

(H.B. 3072)

(No. 284)

(Approved December 22, 2006)

AN ACT

To amend the first paragraph of Section 2 and the first paragraph of Section 38 of Act No. 45 of April 18, 1935, as amended, known as the “Compensation System for Work-Related Accidents Act,” in order to make clear that the public policy in favor of protecting the workers through the “Compensation System for Work-Related Accidents Act,” is extensive to those employees who render services to their employer from their homes.

STATEMENT OF MOTIVES

Act No. 45 of April 18, 1935, as amended, known as the “Compensation System for Work-Related Accidents Act,” was approved for the purpose of establishing a system of social security for work-related injuries. Through this Act workers are entitled to receive compensation for accidents or conditions generated as a consequence of their employment.

Through Act No. 83 of October 29, 1992, this Legislature reaffirmed the public policy in favor of continuing a Compensation System based on the principle of absolute legal responsibility and added that the same must be reoriented so as to face the new socioeconomic realities of our modern society by dealing with the new challenges and the new problems with more effective strategies and remedies capable of upgrading and improving the protection that must be provided for the Puerto Rican worker.

The present socioeconomic reality and technological advances have transformed the way in which the tasks that employers assign to their

employees are accomplished. The technological advances in the field of communications have been able to shorten distances and increase the flow of information and the productivity both in Puerto Rico and in other jurisdictions. Even more so, the technological advances have made employee mobility easier and reduced the need for employees to be physically present at the facilities of the employer in order to be able to perform their duties efficiently. In fact, the experience in other jurisdictions has shown that certain airlines have been employing housewives to take reservations from their own homes. As a Legislature, we recognize these changes and for that reason we are bound to foster the economic development of our people in harmony with the right of workers to be protected against risks to their health at the workplace.

Aware of our responsibility to the people of Puerto Rico and to future generations this is the time to act in favor of the working class and the economic development of our Island. There is no reason why those employees who work at the physical facilities of their employers should be treated differently from those who are able to perform their duties from their homes. It is also time to give those employers who meet their obligation with the State Insurance Fund Corporation the assurance that their employees, regardless of the place from where they perform their duties, are covered under the provisions of the “Compensation System for Work-Related Accidents Act.”

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-The first paragraph of Section 2 of Act No. 45 of April 18, 1935, as amended, is hereby amended to read as follows:

“Section 2.-The provisions of this Act shall apply to all workers and employees working for their employers to whom the following paragraph

refers, who suffer injuries, are disabled or lose their lives by reason of accidents caused by any act or function inherent to their work or employment, when such accidents happen in the course of said work or employment and as a consequence thereof or such as suffer disease or death caused by the occupations specified in the following Section. Those workers and employees whose work is of a temporary or causal nature and is not included in the business, industry, profession or occupation of their employer are expressly excepted.”

Section 2.-The first paragraph of Section 38 of Act No. 45 of April 18, 1935, as amended, is hereby amended to read as follows:

“Section 38.-‘Worker’ or ‘employee’ shall be understood to mean any person in the service of any individual, partnership or corporation regularly employing workers included under the provisions of this Act; Provided, that workers whose work is of a temporary or causal nature and is not included in the business, industry, profession or occupation and those employers exempt from the obligations of this Act, are expressly excluded.”

Section 3.-This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 284 (H.B. 3072) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to amend the first paragraph of Section 2 and the first paragraph of Section 38 of Act No. 45 of April 18, 1935, as amended, known as the “Compensation System for Work-Related Accidents Act,” in order to make clear that the public policy in favor of protecting the workers through the “Compensation System for Work-Related Accidents Act,” is extensive to those employees who render services to their employer from their homes,

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

In San Juan, Puerto Rico, today 28th of September of 2007.

Francisco J. Domenech
Director