

SURVIVOR TERRITORY EMPLOYMENT GUIDE

PUERTO RICO

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your jurisdiction. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

In Puerto Rico ([29 P. R. Stat. Ann. 146 through 29 P.R. Stat. Ann. 151](#)), it is illegal for an employer to fire, suspend, or discriminate against an employee for being, or appearing to be, a victim of domestic violence, sexual aggression or stalking. This law also applies to employers who control apprenticeship, training or retraining programs, including on-the-job training programs.

REASONABLE ACCOMMODATIONS

In Puerto Rico ([29 P.R. Stat. Ann. 509](#)), all employees may request reasonable accommodation or flexible working conditions to allow them to deal with a situation of abuse.

- *Examples of a reasonable accommodation?* Under the law, examples of reasonable accommodation include, but are not limited to, moving the employees' workspace, modifying tasks assigned to the employee, changing entry, exit, lunch, or break times.
- *How do I request a reasonable accommodation?* Under the law, any accommodation request must be made in writing and can only be denied if it is unreasonable.

LEAVE/TIME OFF WORK

- **Paid Leave:** In Puerto Rico ([29 P.R. Stat. Ann. 250\(d\)](#)), most employees are entitled to accrue paid vacation and sick leave. Employees who work at least 115 hours per month accrue at least 1.25 days per month. Employees who work at least 20 hours per month, but less than 115 hours per month, accrue a half day per month. Accrued time may be taken after one year of employment.
- **Time Off to Address Domestic Violence, Sexual Assault or Stalking:** In Puerto Rico ([29 P.R. Stat. Ann. 509](#)), an employee may take "special leave" if they are the victim of domestic or gender violence, child abuse, sexual harassment in the workplace, sexual assault, lewd acts, or stalking (as defined under federal law). The law offers up to 15 days of unpaid leave in addition to other leave already provided under law. This leave also applies to an employee's family member including children, spouse, partner, parents, minors, elderly people, or a person with disabilities where the employee has custody or guardianship.

An employee can take the leave for the following reasons:

- Obtain a protective order or court order;
- Seek and obtain legal assistance;

- Search for and obtain safe shelter or housing;
- Seek medical treatment; or
- Seek or benefit from other types of related services.

Under the law, an employer must provide this leave to every employee who requests it. The employer also must keep this information confidential and ensure the employee's position is maintained while they are out on this leave.

- *Do I need to show proof of domestic violence?* An employer may ask an employee to provide documentation of the reason needed for the leave and the employee must provide this documentation within a reasonable amount of time (2 business days) unless it would be impracticable to do so.

There are several types of documentation an employee can provide including:

- Protection order or other court document;
 - Documentation on letterhead from the court, agency, or private or public service provider that has attended or assisted with the mistreatment against the employee or their family member;
 - A police report;
 - Documentation showing the perpetrator confessed or admitted to the crime;
 - Documentation of medical treatment received by employee or their family member related to the abuse;
 - Certification from a certified counselor, social worker, health professional, religious leader, director of a shelter, legal advocate, legal representative or other type of qualified professional who has treated or assisted the employee or their family member in relation to the abuse;
 - A sworn statement by another employee who has witnessed the abuse; or
 - Any other document that shows the employee was trying to make arrangements related to the abusive situation.
- **Time Off for Court:** In Puerto Rico (**29 P.R. Stat. Ann. 193**), employers are prohibited from deducting salary or vacation or sick leave from employees who appear in court as witnesses in a criminal case in response to a summons. Employees who serve as witnesses must provide their employers with a certificate that documents the length of their court appearance

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other local laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

In Puerto Rico, (**29 P.R. Stat. Ann 704(b)(14)**) unemployment benefits cannot be denied to someone who has resigned from their employment due to "situations or incidents involving domestic violence in which access or regular attendance to work could constitute a risk to his/her own safety or that of members of the family unit." In this instance family unit constitutes one's spouse, parents or underage children.

- *Do I have to show proof of domestic violence?* Yes. Sufficient evidence can include, but is not limited to, a restraining order issued by the court; a police report of the incident of domestic violence; a report or certification from a bona fide organization that offers support services to victims of domestic violence; or a statement from a support professional, such as a counselor, shelter official, lawyer, religious representative or health professional. All such documents are required to be maintained confidentially.

Additionally, unemployment benefits cannot be denied to someone who has resigned from their employment due to the person being a victim or witness to a crime where, as a result, "access or regular attendance to the workplace constitutes a risk to the [person's] physical safety that requires a change or relocation of domicile."