

Puerto Rico Department of Labor Releases Guidelines for Interpreting the Country's Employment Laws

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On May 8, 2019, the Secretary of the Puerto Rico Department of Labor and Human Resources ("PR DOL") issued its "Guidelines on the Interpretation of Puerto Rico's Employment Legislation" ("Guidelines"). The publication marks the first edition of the Guidelines released by the PR DOL and provides guidance on interpreting and analyzing Puerto Rico's employment laws, including the Puerto Rico Labor Transformation and Flexibility Act, Act No. 4 of January 26, 2017 (the "LTFA").

The Guidelines are comprehensive, spanning more than 200 pages, and address, among other things, employment contracts, religious accommodations, work shifts, Christmas bonuses, accrual and use of vacation time, carryover of sick days, terminations, and liability under antidiscrimination laws. The Guidelines compile the PR DOL's longstanding interpretations of various employment laws with new interpretations for rights created by the recently-passed LTFA. Notwithstanding this, the PR DOL has indicated that the Guidelines are not intended to create any substantive or procedural rights, but rather to serve as a useful tool for interpreting and understanding Puerto Rico's employment laws.

Given the sweeping nature of the Guidelines, Puerto Rico employers are advised to review their employment policies to ensure compliance.

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