

(H. B. 1465)

(No. 196)

(Approved August 18, 2002)

AN ACT

To add a Section 14 to Act No. 17 of April 22, 1988, as amended, in order to establish a statute of limitations for civil actions filed for sexual harassment in the work place.

STATEMENT OF MOTIVES

It is the public policy of the Commonwealth of Puerto Rico that sexual harassment in the work place is a form of sexual discrimination and as such, it constitutes an illegal and unwanted practice that attempts against the established constitutional principle that the dignity of human beings is inviolable.

Statutory actions for sexual harassment in employment do not have a prescriptive term. This has caused the Courts to interpret the scope of causes for legal action when filing them before the court. Thus, the Supreme Court of Puerto Rico has concluded that, since the Sexual Harassment in Employment Act is part of a legislative scheme addressed to eradicate discrimination and that it recognizes actions of indemnifying nature similar to the actions filed pursuant to Act No. 100 of June 23, 1977, as amended, and the legal actions filed under Section 1802 of the Civil Code of Puerto Rico, and in the absence of a legislative provision, the statute of limitations of actions filed pursuant to the abovementioned laws, is of one (1) year. See, *Maldonado v. Russe*, 2001 T.S.P.R. 14; *Suárez Ruiz v. Figueroa Colón*, 98 T.S.P.R. 30. In this last case, the Superior Court resolved, under the

principle of analogy that the statute of limitations that applies to said actions is of one (1) year.

This Legislature intends to establish a statute of limitations in order to avoid future procedural problems in filing of suits for sexual harassment in the work place. To these ends, we temper the hermeneutics of the Supreme Court of Puerto Rico to the legislative facts for understanding that juridically, the actions contained in the Section 1802 of the Civil Code are closely related to those prosecuted for sexual harassment in the work place. In view of the latter, this Act establishes a term of one (1) year to file a suit for sexual harassment in the workplace.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 14 is added to Act No. 17 of April 22, 1988, as amended, to read as follows:

“Section 14.- Sexual Harassment in the Work Place. Limitations.

The term to file a suit based on the violations contained in this Act shall be of one (1) year. The statute of limitations in suits for sexual harassment in the work place shall begin to run its course when the circumstances that could delay the prosecution of the action end.”

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. 196 (H.B. 1465) of the 3rd Session of the 14th Legislature of Puerto Rico:

AN ACT to add a Section 14 to Act No. 17 of April 22, 1988, as amended, in order to establish a statute of limitations for civil actions filed for sexual harassment in the work place,

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

In San Juan, Puerto Rico, today 13th of August of 2004.

Elba Rosa Rodríguez-Fuentes
Director