

Labor Reform on the way to the Federal Supreme Court

September 22, 2023



NEWS | Judicial , Labor , Legislative , NEWS , Rafael Hernández Montañez , SCOTUS

Editor's note: Want to keep up with job news? We invite you to [sign up for our newsletter](#).

After this past Thursday, the Federal Court of Appeals for the First Circuit in Boston denied the request to attend a new hearing on Law 41-2022, better known as the new "**Labor Reform**", the president of the House of Representatives, **Rafael Hernández Montañez**, and the president of [the](#) Labor Affairs Committee, **Domingo Torres García**, reported Friday, that they will go to the Supreme Court of the United States to appeal the determination.

Law 41, better known as the new "Labor Reform", declared null and void

The ruling confirmed the ruling issued by Judge **Laura Taylor Swain**, who declared null and void Law 41-2022 that amended the Labor Reform and restored rights to private sector workers in Puerto Rico.

"In the House of Representatives we have been consistent in our fierce defense for the rights of the working class in Puerto Rico. As we communicated to the country, as soon as Law 41-2022 was declared null, we will go to all relevant forums until we exhaust the available remedies. For this reason, we will raise our claim to the Federal Supreme Court to declare the validity of this statute and thus do justice to hundreds of thousands of Puerto Rican employees," said Hernández Montañez.

For his part, Torres García said that "in the House of Representatives we have approved three bills to amend the Labor Reform of 2017 and restore the rights of workers (PC-3, PC-1244 and PC-1651), we defended the validity of Law 41-2022 before the Federal District Court of Puerto Rico, we appealed the decision of Judge Swain declaring it null before the First Circuit of Appeals in Boston and now we go to the Federal Supreme Court, And we will not rest until we achieve our goal of restoring rights to all workers."

The former Secretary of the Department of Labor, **Carlos J. Saavedra Gutiérrez**, shared with Microjuris his analysis on the subject and recalled that the Supreme Court of the United States has the power to decide which cases it will attend.

"For purposes of the case, and of Law-41, it remains void. At this stage there have already been seven Thursdays that have seen the case, and all have resolved that the law is null and void. The effect remains the same, the law is null. The only thing left is



to go to the Supreme Court. I would be surprised if the U.S. Supreme Court comes to resolve this case," Saavedra Gutierrez said.

It is estimated that between 7,000 and 8,000 new cases are filed with the U.S. Supreme Court each term. Each term, the court awards arguments to about 80 of them. For the period 2022-2022, the court decided 58 cases

The annulment of [Law 41-2022](#) comes after the Financial Oversight and Management Board for Puerto Rico challenged it before Judge Swain, alleging that the government did not submit a report on its fiscal impact, in accordance with Section 204(a) of the PROMESA Act.

Swain confirmed the Oversight Board's stance and struck down the charter, despite opposition from the House of Representatives.

The lawsuit then moved to the First Circuit Court of Appeals in Boston after the House appealed Swain's decision.

This forum confirmed that sentence, so the Chamber requested a reconsideration to the full Circuit that was denied yesterday.

"We have instructed our lawyers to immediately begin the process of appealing this decision to the Federal Supreme Court. However, this is not our last move. On August 21, we approved in the Chamber the PC-1651, which contains the same provisions of Law 41-2022 and is accompanied by a report prepared by the Legislative Assembly Budget Office (OPAL) that certifies that it has no fiscal impact, "explained the chamber president.

In addition, these efforts join the action filed by Congresswoman Lori Chavez-DeRemer (H.R. 4853) to amend Section 204(a) of the PROMESA Act, so that the fiscal impact reports submitted by OPAL are accepted by the Oversight Board to give effect to laws passed by the Legislature and signed by the governor. and that this scenario is not repeated.

Powered by [Microjuris.com](#)

