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JOBS

Analyze the reforms in the labor field

Lawyers specialized in the subject highlight what they understand are favorable points in the law

Ileanxis Vera Rosado, THE VOCERO 05/20/2019 Updated ago May 20, 2019



A little more than two years since Governor Ricardo Rosselló signed the new labor regulations of the Island, two lawyers specialized in the subject agreed that the reforms reached are more equitable between employers and employees, and acknowledged that some changes have not been used. by companies due to cultural aspects.

In an interview with **EL VOCERO**, Sara Colón Acevedo and Juan Felipe Santos, principal and general manager, respectively, of the firm Jackson Lewis PC in San Juan, which specializes in labor law, said that the most obvious example of cultural considerations is the elimination of the law of closing, which allows businesses to open without the previous restrictions of dates or schedules, but very few have left the traditional operation.

"Although the labor reform makes the opening on holidays and Sundays more flexible, many businesses do not do it for cultural reasons. We understand that in a case like this, it will take a lot of time for the industry to put it into effect," acknowledged Santos, who is also a Litigation Manager at the local Jackson Lewis office.

Both Colón Acevedo and Santos highlighted that in a broad sense the reform has been positive and proposed that the new guide for the interpretation of labor legislation in Puerto Rico - a 214-page document published on May 8 by the Department of Labor and Human Resources - represents an effective tool to clarify the current state of the labor reform law. They said that it dissipates the confusions that had existed up to now, both for employers and for employees.

"The advantage of this guide is that it provides examples that make the distinction, which facilitates understanding. Now, the employer has good references to clarify the gaps that could arise from the labor reform," said Colón Acevedo.

Regarding the changes in employee benefits and how this can reduce mobility to a new job or the need to recruit staff, the interviewees argued that it is indeed a challenge, but they recalled that there is always the negotiation mechanism and this was stipulated by the new reform and is something that the employer can work with.

"This legislation makes labor relations in Puerto Rico more flexible. Now, the employer has more prerogatives and employees greater flexibility. While it is true that many employees have their reserves to go to a new job, subject to lower benefits -which represents many employers problems hiring talented people-, it is no less true that the employer has the prerogative to negotiate the contractual agreement " explained Colon Acevedo.

In that line, Santos mentioned that there are generational changes and the way in which practically everything is handled, which tied to the theme of "millennials". He commented, with only one example, that the labor reform responds to the need of said population sector, which seeks greater flexibility in the schedules.

"The reform provides the tool to work fewer days and more hours, but also recognizes the recovery of certain hours of work lost without having to take any license, but can replace it at another time," he added.

Between the changes with the labor reform it includes the computation of the allowance before an unjustified dismissal, the penalties of the employer for concept of taking of foods and to work a seventh day.

"Today there are many employers who have maintained the benefits prior to the labor reform, maintaining equal benefits among their employees. Employers have always been able to offer more than what laws demand, what they can not do is offer less benefits than what the law stipulates," Santos said.

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Sara Colón Acevedo

Main at Jackson Lewis PC

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