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### **Peru criminalizes sexual harassment in the workplace**

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**The Peruvian Government has passed a Law to criminalize sexual harassment in workplace. This amendment is part of a broader reform that includes additional criminal offences of harassment, sexual harassment, the dissemination of audiovisual or audio material with sexual content and sexual blackmail to the Criminal Code and modifies the existing sexual harassment Law.**

The Government has recently passed the Legislative Decree No. 1410, which modifies both the Law No. 27942, Law on Prevention and Punishment of Sexual Harassment and the Criminal Code. The stated purpose of the new Law is to reinforce current protections, especially for women who tend to experience higher levels of harassment.

The main modifications of law are the following:

- (a) Sexual harassment is redefined as a form of violence that entails a behavior (repeated or otherwise) of a sexual or sexist nature or connotation that is unwanted by the person against whom it is directed, which creates an intimidating, hostile or humiliating environment, or affect your labor, teaching, training or any other kind or activity or situation. It is no longer necessary for the victim to prove the rejection or repetition of the unwanted behavior.
- (b) The victim can file a claim for damages and losses suffered because of sexual harassment and/or report it to the Ministry of Labor (SUNAFIL).
- (c) The dismissal or non-renewal of the employment contract due to the filing of a complaint or claim of sexual harassment or because an employee acted as witness in this type of proceeding is invalid.

In addition, four new crimes have been included to the Criminal Code: (i) harassment, (ii) sexual harassment, (iii) the dissemination of audiovisual or audio material with sexual content and (iv) sexual blackmail. Sexual harassment in the workplace is an aggravated criminal offense, which may signify a minimum of four and maximum of eight year of prison to the harasser. Currently, sexual harassment in the workplace could constitute both labor infraction and a criminal offense.

Generally, these developments in the area of sexual harassment at work have been regarded as a positive change towards the construction of a violence-free and healthy work environment for employees. However, others have raised their concern because of the overly broad approach, which can lead to the criminalization of minor (petty slights, annoyances, and isolated incidents) or even innocent behavior.

In summary, the impact of these new developments on sexual harassment in the workplace, especially in connection with sex-based harassment at work is yet to be seen. It will be interesting to see how the criminalization of sexual harassment reshapes Peruvian society and assist in creating more balanced and healthy workplaces. It is hoped that the case law aids in dissipating concern and fine-tunes the criminalization of sexual harassment at work in the future.