



Ricardo Alemán

Panama: Sexual Harassment in the Workplace

In Panama, Law 7 of February 14, 2018, prohibits and establishes responsibility for all acts of violence that threaten the honor, dignity, physical and psychological integrity of the people. It also defines “harassment, sexual or moral harassment”, as the systematic or continuous action or omission or eventual repetition, in which a person insinuates, invites, requests, pursues, limits or restricts rights, diminishes freedom, acts disrespectfully or offensively, humiliates others in order to obtain some sexual retribution or affects the dignity of the other person.

Obligations of the employer

Every employer shall have the responsibility to establish an internal policy, through orientation programs and included in the internal regulations or collective agreements, that prevents, avoids, discourages and sanctions the acts of harassment, sexual or moral harassment, racism and sexism.

Failure to comply with the measures ordered by the employers entails a fine of B/.550.00 to B/.1,000.00, imposed by the jurisdictional labor authority, each time a case is sanctioned for any of the conducts provided in the law.

What should the affected employee do?

An employee who feels sexually harassed or persecuted should inform their superior or the corresponding department what is occurring and provide evidence, if available, to allow the employer to conduct the corresponding investigation, which allows him/her to dismiss the harasser on justified grounds. Likewise, the employee harassed by a superior, for sexual purposes, can resign from employment on justified grounds, and by proving what has been reported, the employee shall be entitled to payment of the compensation provided for in the Labor Code, in cases of dismissals with cause justified.

The procedure to investigate and resolve cases of harassment, sexual or moral harassment, racism and sexism shall be expeditious, effective and confidential and in no case may exceed the period of three months, counted from the filing of the complaint.

Whenever a case of harassment, sexual or moral harassment, racism and sexism is reported, companies must prepare a written report thereof, which shall contain the details of the investigation, allegations and testimonies and other elements of evidence.

Whoever falsely denounces any conducts sanctioned in the Law shall commit the offense of criminal simulation, according to the Criminal Code.

Ricardo Alemán is a Partner at Morgan & Morgan. For questions about this article, he can be reached at ricardo.aleman@morimor.com.