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Remote Work Barriers in U.S. Virgin Islands Prompt Calls for New Legislation

Puerto Rico's Act 27-2024 Seen as Potential Model for USVI Remote Work Legislation: The Elsners believe adopting similar legislation could attract remote work opportunities and benefit both residents and the local economy

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Employee working remotely By. GETTY IMAGES

Nearly six months after Puerto Rico passed legislation intended to incentivize foreign employers into hiring local residents for remote work, two U.S. Virgin Island residents are advocating for a similar law to be passed in the territory, following challenges they have experienced in finding remote work.

Robert Elsner, who moved to the USVI last year in March, said he was let go from his job with only two days notice after moving to the territory, despite the company approving his move and assuring that he would be able to work with them remotely. Mr. Elsner's wife, Courtney Elsner, said she has also faced struggles with remote work that she previously did not experience on the mainland, and feels that companies—specifically those in the technology industry—have been hesitant to employ her because of her island territory location. The Elsners believe that prevailing local laws governing labor and employment are to blame.

Local employment attorney Marina Leonard cited the territory's employee-friendly laws and the different taxation system as reasons why the companies may be hesitant to hire USVI residents. "When you hire a remote worker, you agree to abide by the laws of wherever the work is being performed," Leonard said. While Leonard said that she has not previously heard of residents having issues with remote work, she said that once it was brought to her attention "it made a lot of sense."

To counteract this hesitation, the Elsners have pointed to a recently passed Puerto Rican law. Act 27-2024, which came into effect in January, allows certain companies to have their relationships with remote employees governed by employment contracts rather than Puerto Rican employment law, including laws relating to benefits, obligations, and insurance. They argue that the law could be used as a possible framework for the USVI. "We should have programs that encourage [remote work] because there's so many jobs out there, remote right now. COVID changed things, it did," Ms. Elsner said.

Echoing the sentiment, Ms. Leonard also said that the job market changed after the pandemic. Legislation similar to Puerto Rico's Act 27-2024 could be an opportunity benefiting both residents and the local government, the employment attorney believes. "There's definitely been a shift. I think people work from their house all around the world now, and I think there's that opportunity there," Ms. Leonard said.

For Ms. Elsner, the legislation would be particularly impactful for the careers and livelihoods of young Virgin Islanders, while also beneficial for the territory in retention of the local population. "A young person with no experience, what choice do they have if they want a different career path. If they want a different sort of career path, they've got to leave and it's sad," Ms. Elsner said.

Without such a statute in place, the Elsners argue that exercises such as the TechBeach Retreat, a summit currently being hosted by University of the Virgin Islands Research and Technology Park, are largely futile. The summit, they say, has brought corporations such as Google to the territory which are allegedly unwilling to hire residents of U.S. territories.

However, RT Park's Associate Director of Marketing and Communications Sydney Paul says that TechBeach organizers have not heard any complaints from USVI residents about the hiring practices of companies present at the event. "It's important to note that we do not have detailed information about the specific employment policies of the private companies attending our summit, including whether they hire U.S. Virgin Islands residents for remote work," Ms. Paul said. Google's communications team did not respond to multiple requests for comment on whether remote workers domiciled in the territory would be eligible for hire.

Ms. Paul emphasized that the goal of the RT Park's Tech Beach Resort is to highlight the talent of Virgin Islanders and expose them to the opportunities of the tech industry. "It is our hope that the event provides a catalyst for these conversations and concerns to be heard and for our local talent to be seen," Ms. Paul said.

