

## Puerto Rico Moves Closer to Prohibiting Discrimination on Basis of Sexual Orientation, Gender Identity

By Juan Felipe Santos

May 20, 2013

The Senate of the Commonwealth of Puerto Rico has approved a bill prohibiting discrimination on the basis of sexual orientation or gender identity in the public and private sectors. Senate Bill No. 238 includes an amendment to Puerto Rico's Anti-Discrimination Statute, Act No. 100 of June 30, 1959, as amended, barring employers from discriminating against any employee or employment candidate on the basis of his or her sexual orientation or gender identity.

As with currently protected categories (such as race, color, sex, marital status and social condition), an employee or applicant for employment who is a victim of discrimination may be entitled to reinstatement and to a sum equal to *twice* the amount of damages sustained on account of discrimination prohibited under the Bill. An individual who commits a discriminatory act could be charged with a misdemeanor, and, upon conviction, could be punished by a fine of up to \$5,000 or by imprisonment in jail for a term not greater than 90 days, or by both, at the discretion of the court.

The House of Representatives is expected to consider and approve the Bill. Puerto Rico Governor Alejandro García Padilla has stated he will sign the Bill if approved by the Legislature. We will provide updates as warranted. If you have any questions about this or other workplace developments, please contact the Jackson Lewis attorney with whom you regularly work.

©2013 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 950+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.

### Meet the Author



#### Juan Felipe Santos

Office Managing Principal and Office  
Litigation Manager  
San Juan 787-522-7315  
Email

### Practices

Workplace Training