

Puerto Rico Adopts Law Prohibiting Discrimination on Basis of Sexual Orientation, Gender Identity

By Juan Felipe Santos

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Puerto Rico Governor Alejandro García Padilla has signed legislation barring employers from discriminating against any employee or employment candidate on the basis of his or her sexual orientation or gender identity. Senate Bill No. 238, signed May 29, 2013, amends Puerto Rico's Anti-Discrimination Statute, Act No. 100 of June 30, 1959, as amended, and is effective immediately.

As with other protected categories (such as race, color, sex, age, marital status and social origin or condition), an employee or applicant for employment who is a victim of discrimination on the basis of sexual orientation or gender identity may be entitled to reinstatement and to a sum equal to *twice* the amount of damages sustained on account of the discriminatory act. In addition, 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.

Employers should consider revising their policies to comply with the new protected categories. If you have any questions about this or other workplace developments, please contact the Jackson Lewis attorney with whom you regularly work.

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