

(Subst. for  
S. B. 331)

[No. 100]

[Approved June 30, 1959]

### AN ACT

To protect employees and applicants for employment against discrimination on the part of employers or labor organizations by reason of advanced age, race, color, creed, birth or social position, and to impose civil and criminal responsibility for such discrimination.

#### STATEMENT OF MOTIVES

The increasing industrial development and economic progress attained by Puerto Rico during recent years makes it necessary for the Government to consider and, if deemed advisable, adopt remedial measures to tackle the problems which, from the experience had by other intensely industrially developed communities, such growth entails.

One of these problems is the practice, already beginning to be observed in Puerto Rico, of discriminating in the employment of persons for reasons of age exclusively.

This practice, were it to become general, as it has been the case in other communities, would have serious consequences in the social order, and would deprive our economy of an employment source essential for the future development of Puerto Rican industrial activity.

Statistics compiled in the United States show that restrictions concerning the employee's age are being applied at present by employers with regard to 58% of the jobs, and that while 40% of the persons who apply for employment have attained the age of 45, only 22% of the persons approved for employment are beyond that age. These statistics clearly show the far-reaching effect such a problem may attain in Puerto Rico if the Government does not apply the necessary corrective measures on time.

It is likewise imperative to legislate so as to afford employees and applicants for employment an effective protection against discrimination by reason of race, color, creed, birth or social position.

*Be it enacted by the Legislature of Puerto Rico:*

Section 1.—Any employer who discharges, suspends or demotes his employee, or reduces the salary of, or imposes or attempts to impose more burdensome working conditions on, his employee, or who refuses to employ or re-employ any person by reason of advanced age, as the latter is hereinafter defined, or by reason of the race, color, creed, birth or social position of the employee or applicant for employment: (a) shall incur civil liability (1) for a sum equal to twice the amount of the damages sustained by the employee or applicant for employment on account of such action; (2) or for a sum not less than one hundred (100) dollars nor more than one thousand (1,000) dollars, in the discretion of the Court, if no pecuniary damages are determinable; (3) or twice the amount of the damages sustained if it were under the sum of one hundred (100) dollars; and, (b) he shall, also, be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not less than one hundred (100) dollars nor more than five hundred (500) dollars, or by imprisonment in jail for a term not less than thirty (30) days nor more than ninety (90) days, or by both penalties, in the discretion of the Court.

The court may, in the judgment passed on civil actions brought under the preceding provisions, direct the employer to reinstate the employee in his former employ and to stop and desist from the act involved.

Section 2.—Any labor union which shall limit, divide or classify its membership so as to deprive or tend to deprive any one or more of its members, or any person or persons desiring or having a right to be admitted to membership, of working opportunities by reason of advanced age, or of race, color, creed, birth or social position: (a) shall incur civil responsibility (1) for a sum equal to twice the amount of the damages sustained through such act by the member or person concerned; (2) or for a sum of not less than one hundred (100) dollars nor more than one thousand (1,000) dollars, in the discretion of the Court, if no pecuniary damages are determinable; (3) or for twice the amount of the damages sustained if said amount were under the sum of one hundred (100) dollars; and, (b) he shall, also, be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not less than one hundred (100) dollars nor

more than five hundred (500) dollars, or by imprisonment in jail for a term not less than thirty (30) days nor more than ninety (90) days, or by both penalties, in the discretion of the Court.

The Court may, in the judgment passed on civil actions brought under the provisions of this section, further direct the labor union to stop and desist from the act involved.

Section 3.—Any of the acts mentioned in the preceding sections shall be presumed to have been committed in violation of this act, whenever the same shall have been performed without good cause. This presumption shall be of a controvertible character.

Section 4.—The Superior Court and the District Court shall have concurrent original jurisdiction in all cases arising under this act. Civil claims may be prosecuted by ordinary action or through the complaint proceeding established by Act No. 10 of November 14, 1917, as heretofore or hereafter amended.

The claims that several or all workers or employees or applicants for employment may have against a common employer or labor union, may be joined in one sole action.

The Secretary of Labor may, on its own initiative, or at the request of one or more workers or employees or applicants for employment having an interest in the matter, and in representation and for the benefit of one or more of them who are undergoing similar circumstances, order the payment of any sum owing to them, or the fulfillment of any right conferred by this act. Any worker or employee or applicant for employment having an interest in the action may intervene in any suit so instituted by the Secretary of Labor, who, likewise, may intervene in any action brought by any worker or employee or applicant for employment under the terms of this act.

In any judgment passed against any employer or labor union the latter shall be imposed costs and a reasonable sum which shall never be under one hundred (100) dollars for attorney's fees, if the attorney were not one from the Department of Labor.

Section 5.—The Secretary of Labor is hereby imposed the duty to see to the enforcement of this act.

Labor Department attorneys may act as prosecutors, with all the powers and authority conferred upon district attorneys, in all criminal actions arising under the provisions of this act.

Section 6.—Definitions.—The following terms, as used in this act, shall have the following meanings:

- 1) "Advanced Age" means any age between 30 and 65.
- 2) "Employer" includes any natural or artificial person employing laborers, workers or employees, and the chief, official, manager, officer, managing partner, administrator, superintendent, foreman, overseer, agent or representative of such natural or artificial person. It shall include all such agencies or instrumentalities of the Government of Puerto Rico as may be operating as private businesses or enterprises.
- 3) "Labor Union" has the same meaning and scope of the same term as used in the Labor Relations Act of Puerto Rico, but it shall also include the officers, directors or representatives of the labor union.

Section 7.—This act shall take effect immediately after its approval.

*Approved June 30, 1959.*

(S. B. 398)

[No. 101]

[*Approved June 30, 1959*]

AN ACT

To amend sections 29 and 44-B of Act No. 6, approved June 30, 1936, known as Spirits and Alcoholic Beverages Act, as subsequently amended.

*Be it enacted by the Legislature of Puerto Rico:*

Section 1.—Section 29 of Act No. 6, approved June 30, 1936, known as Spirits and Alcoholic Beverages Act, as amended, is hereby amended to read as follows:

"Section 29.—.....  
 (e) The containers of the spirits or alcoholic beverages shall not be of a capacity in excess of one gallon, *provided*, that this limitation shall not be applicable to absolute alcohol nor to industrial alcohol as said terms are defined in this act, nor to denatured alcohol and spirits, which may be exported to a foreign country or shipped for use and consumption in the Virgin Islands in such quantities and for such purposes as the Secretary of the Treasury may by regulation prescribe, or to be ship-