

(S.B. 280)

(No. 121)

(Approved September 13, 1997)

AN ACT

To repeal Act No. 382 of May 11, 1950, as amended, which prohibits political discrimination in the work place, and amend Act No. 100 of June 30, 1959, as amended, to include discrimination for political affiliation among the list of prohibitions from discrimination.

STATEMENT OF MOTIVES

Act No. 382 of May 11, 1950, as amended, contains provisions that prohibit and penalize employers who discriminate against employees because of their political affiliation. Act No. 100 of June 30, 1959, as amended, which prohibits both employers and labor unions from discriminating against employees or applicants for employment because of their age, race, color, sex, social or national origin, social condition, or political or religious ideology, was approved after the promulgation of Act No. 382.

Act No. 100 establishes that the employer or labor organization that violates the provisions of said Act, besides incurring civil liability and the imposition of punitive damages, shall be guilty of a misdemeanor and become subject to the penal sanctions provided in said Act.

Act No. 100 appears to be a more thorough and extensive piece of legislation than Act No. 382. But, since the concepts of ideology and affiliation are not synonymous it becomes necessary for this Legislature to amend Act No. 100, supra, at the same time it repeals Act No. 382, in order for the former to include the concept of political affiliation and thus guarantee the vested and protected rights of the Puerto Rican worker. In this manner do we extend the same in the exercise of the legislative endeavor.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Act No. 382 of May 11, 1950, as amended, is hereby repealed.

Section 2.- Section 1 of Act No. 100 of June 30, 1959, as amended, is hereby amended to read as follows:

“Section 1.- Discrimination because of age, race, color, sex, social or national origin, social condition, political affiliation, political or religious ideology.

Any employer who discharges, lays off or discriminates against an employee regarding his/her salary, wage, pay or remuneration, terms, rank, conditions or privileges of his/her job, or who fails to or refuses to hire or rehire a person, or who limits or classifies his/her employees in any way which tends to deprive a person of employment opportunities, or that affects his/her status as employee because of his/her age, as defined below, race, color, sex, social or national origin, social condition, political affiliation or political or religious ideology of the employee or applicant for employment:

(a)

(1)

(2)

(3)

.....”

Section 3.- Section 1-A of Act No. 100 of June 30, 1959, as amended, is hereby amended to read as follows:

“Section 1.A.- Publishing; advertising

It shall be unlawful for any employer or organization to publish or circulate, or allow the publication or circulation of announcements, notices or any other form of diffusion, denying employment opportunities, directly or indirectly, to any person indiscriminately, because of his/her race, color, sex, marital status, social or national origin, social condition, political affiliation or political or religious ideology, or without just cause, because of age, or by establishing limitations which may exclude any person because of his/her race, color, sex, marital status, social or national origin, social condition, political affiliation or political or religious ideology or, because of his/her age, without just cause.

.....”

Section 4.- Section 2 of Act No. 100 of June 30, 1959, as amended, is hereby amended to read as follows:

“Section 2.- Discrimination by labor union

Any labor organization which limits, divides or classifies its members so as to deprive or tends to deprive anyone who aspires or is entitled to become a member of said organization, of an employment opportunity because of age, race, color, creed, sex, marital status, social or national origin, political affiliation, political belief or social position:

(a)

(1)

(2)

(3)

(b)
.....”

Section 5.- Section 2-A of Act No. 100 of June 30, 1959, as amended, is hereby amended to read as follows:

“Section 2-A.- Apprenticeship, training or retraining

Any employer, labor organization or joint labor-management committee that controls apprenticeship, training or retraining programs, including on-the-job training programs, which discriminates against a person because of his/her race, color, sex, marital status, social origin or condition, political affiliation, political or religious ideology or because of his/her advanced age, without just cause to be admitted to, or employed in any apprenticeship or other training program:

(a)

(1)

(2)

(3)

(b)

.....”

Section 6.- This Act shall take effect immediately after its approval.

January 15, 1999

José A. Figueroa-Lugo, Director of the Office of Legislative Services of the Legislature of Puerto Rico, hereby certifies to the Secretary of State that he has duly compared the English and Spanish texts of Act No. 121 (S.B. 280) of the 3rd Session of the 13th Legislature of Puerto Rico, entitled:

AN ACT to repeal Act No. 382 of May 11, 1950, as amended, which prohibits political discrimination in the work place, and amend Act No. 100 of June 30, 1959, as amended, to include discrimination for political affiliation among the list of prohibitions from discrimination,

and finds the same are complete, true and correct versions of each other.

José A. Figueroa-Lugo