

(S. B. 933)

(No. 173)

(Approved August 6, 2008)

AN ACT

To amend subsection (b) of Section 2 of Act No. 20 of 2001, as amended, known as the “Women’s Advocate Office Act,” for the purpose of broadening the definition of the term “private entity.”

STATEMENT OF MOTIVES

The Women’s Advocate Office was created by Act No. 20 of 2001, as amended, as a juridical entity, independent and separate from any other public agency or entity of the Government of Puerto Rico. One of the main purposes for the approval of said Act was to assign to this Agency the supervisory duties through which it oversees the elimination of any type of discrimination against women, as well as to guarantee human rights for them and promote gender equality.

In the search of compliance by the Women’s Advocate Office with said duties, the Act itself empowered the Advocate to establish the necessary systems to access, receive and channel claims and complaints submitted by women who allege an act or omission by government agencies or private entities which impair the rights conferred to them by the Constitution of Puerto Rico, the laws and the regulations in effect. In doing so, the Legislature recognized the difficult situation faced by Puerto Rican women and provided them with a tool to work on this issue.

However, upon observation of the definition of the term “private entity” provided in said statute, it can be inferred that it gives the impression of

excluding associations, organizations, institutes, natural and juridical persons in which women work, as well as educational institutions of the Island from the jurisdiction of the Women's Advocate Office. This Act seeks to clarify the definition of the term "private entity" as a means to guarantee that both working women and those who are studying in educational institutions of the Island have in the Women's Advocate Office a juridical body empowered to assert their rights.

The broadening of the definition of this term is of utmost importance since, as it is known, this Legislature has approved legislations in the employment and education fields, such as Act No. 69 of July 6, 1985, known as the "Discrimination in Employment for Reasons of Gender Act;" Act No. 17 of April 22, 1988, as amended, known as "Sexual Harassment in Employment Act;" and Act No. 3 of 1998, as amended, known as "Prohibition of Sexual Harassment in Learning Institutions Act." There shall be no doubt that the Women's Advocate Office has the duty of overseeing compliance with the aforementioned laws, both in the public and private sector.

For this reason, the Legislature of Puerto Rico deems it necessary to amend the definition of the aforementioned term, so as to safeguard the protection of the vested rights of Puerto Rican women.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1. – Subsection (b) of Section of Act No. 20 of 2001, as amended, is hereby amended to read as follows:

"Section 2. – The following terms shall have the meaning stated hereinbelow:

(a) ...

(b) “Private Entity” is any association, organization, institute or natural or juridical person, that performs, offers or renders any service or activity, or administers any program that addresses the needs of women and families. It shall also include any association, organization, institute or natural or juridical person in which a woman works; as well as any private, elementary, middle or high school, university, institute, vocational or technical school, whether recognized or not by regulatory bodies which offer study or skill programs for children, youths or adults in Puerto Rico.

(c) ...”

Section 2. – This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 173 (S.B. 933) of the 7th Session of the 15th Legislature of Puerto Rico:

AN ACT to amend subsection (b) of Section 2 of Act No. 20 of 2001, as amended, known as the “Women’s Advocate Office Act,” for the purpose of broadening the definition of the term “private entity,”

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 15th of January of 2009.

Kevin Miguel Rivera-Medina, Esq.
Deputy Director