

[«español»](#)

Puerto Rico Anti-Discrimination Act of 1959

Act No. 100 of June 30, 1959, as amended

(Contains amendments incorporated by:

Act No. 84 of June 14, 1960

Act No. 50 of May 30, 1972

Act No. 58 of June 22, 1975

Act No. 37 of June 7, 1977

Act No. 67 of June 3, 1983

Act No. 32 of December 8, 1990

Act No. 10 of May 31, 1991

Act No. 116 of December 20, 1991

[Act No. 121 of September 13, 1997](#)

[Act No. 331 of September 2, 2000](#)

[Act No. 271 of December 17, 2006](#)

[Act No. 250 of August 13, 2008](#)

[Act No. 232 of September 13, 2012](#)

[Act No. 22 of May 29, 2013](#)

[Act No. 104 of July 23, 2014](#)

[Act No. 4 of January 26, 2017](#))

[Amendments non-incorporated:

[Act No. 41 of June 20, 2022](#) (repealed by *In re: FOMB v Pierluisi Urrutia* [17-BK3283-LTS \(Adv. Proc. 22-00063-LTS\)](#))

Discrimination because of age, race, color, sex, social or national origin, social condition, political affiliation, political or religious ideology, or for being a victim or perceived as a victim of domestic violence, sexual aggression or stalking.

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 employees 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. — Discrimination based on age, race, color, sex, sexual orientation, gender identity, social or national origin, social condition, political affiliation, political or religious beliefs, or for being a victim or perceived as a victim of domestic violence, sexual assault or stalking, for being a servicemember, ex-servicemember, serving or having served in the United States Armed Forces, or holding veteran status. (29 L.P.R.A. § 146)

Any employer who discharges, lays off, or discriminates against an employee with regards to his salary, wage, pay or remuneration, terms, rank, conditions or job privileges, or who fails or refuses to hire or rehire a person, or who limits or classifies his employees in any way which deprives a person of employment opportunities or affects his employee status on the grounds of age, as defined below, race, color, sex, sexual orientation, gender identity, social or national origin, social condition, political affiliation, or political or religious beliefs of the employee or job applicant, or for being a victim or perceived as a victim of domestic violence, sexual assault or stalking, or being a servicemember, ex-servicemember, serving or having served in the United States Armed Forces or holding veteran status:

(a) Shall incur in civil liability:

- (1) For a sum equal to twice the amount of damages sustained by the employee or applicant for employment on account of such action;
- (2) or for a sum of not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000), at the discretion of the court, if no pecuniary damages are determined;
- (3) or twice the amount of the damages sustained if such amount is under the sum of five hundred dollars (\$500), and

(b) he/she shall also incur a misdemeanor, and upon conviction, shall be punished by a fine of up to five thousand dollars (\$5,000) or by imprisonment in jail for a term not greater than ninety (90) days, or by both penalties, at the discretion of the court.

Similarly, any employer who commits any of the acts mentioned in the first paragraph of this section relative to a person married to an employee of his/her company or business, shall be guilty of discriminatory practice and incur the aforementioned civil and penal liability. This provision shall apply to those persons who get married who aspire to employment as well as to those who are already employed by the employer.

Notwithstanding the provisions stated in the preceding paragraph, in those situations in which a clear conflict of functions exists due to the marriage, and which substantially and adversely affects business operations, the employer shall be obligated to make a reasonable adjustment or

compromise regarding the functions of the employees or employment aspirants. This practice shall apply to companies or businesses with (50) or more employees.

The aforementioned must be done so as not to affect the right of the employer to establish reasonable regulations concerning the working conditions of married couples employed in the same department, division or physical facility.

The following factors shall be taken into consideration in order to comply with that stipulation: the size of the company's physical facilities and number of employees; its organizational chart, ranking and line of command; its physical needs and the specific problem or difficulties which could be caused by the married couple.

In the judgment passed on civil actions brought under the aforesaid provisions, the court may order the employer to reinstate the employee in his/her job and to cease and desist from the act involved.

[Amendments: Act No. 50 of May 30, 1972, Act No. 58 of June 22, 1975, Act No. 37 of June 7, 1977; Act No. 67 of June 3, 1983; Act No. 10-1991; Act No. 116-1991; Act No. 121-1997; Act No. 331-2000; Act No. 271-2006; Act No. 250-2008; Act No. 232-2012; Act No. 22-2013; Act No. 104-2014]

Section 1A. — Publishing; Announcements. (29 L.P.R.A. § 146a)

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 equal employment opportunities, directly or indirectly, to any person, on the grounds of race, color, sex, marital status, sexual orientation, gender identity, social or national origin, social condition, political affiliation, or political or religious beliefs, or for being a victim or perceived as a victim of domestic violence, sexual assault or stalking, or without just cause, because of age, for being a servicemember, ex-servicemember, serving or having served in the United States Armed Forces, or holding veteran status, or without just cause, because of age, or by establishing limitations which may exclude any person on the grounds of race, color, sex, marital status, sexual orientation, gender identity, social or national origin, social condition, political affiliation, or political or religious beliefs, or for being a victim or perceived as a victim of domestic violence, sexual assault, or stalking, for being a servicemember, ex-servicemember, serving or having served in the United States Armed Forces or holding veteran status, or because of age, without just cause.

Any employer or labor organization violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of up to five thousand dollars (\$5,000) or by imprisonment in jail, for a term of not more than ninety (90) days, or both penalties, in the discretion of the court.

[Amendments: Act No. 84 of June 14, 1960; Act No. 50 of May 30, 1972, Act No. 58 of June 22, 1975, Act No. 37 of June 7, 1977; Act No. 67 of June 3, 1983; Act No. 116-1991; Act No. 121-1997; Act No. 271-2006; Act No. 250-2008; Act No. 232-2012; Act No. 22-2013; Act No. 104-2014]

Section 2. —Discrimination by Labor Union. (29 L.P.R.A. § 147)

Any labor union which limits, divides, or classifies its members in any manner that deprives or tends to deprive anyone who aspires or is entitled to become a member thereof of an employment opportunity on the grounds of age, race, color, religion, sex, marital status, sexual orientation, gender identity, social or national origin, political affiliation, political beliefs or social condition, or for being a victim or perceived as a victim of domestic violence, sexual assault or stalking, or for being a servicemember, ex-servicemember, serving or having served in the United States Armed Forces, or holding veteran status.

(a) Shall incur in civil liability:

(1) For a sum equal to twice the amount of the damages sustained through such act by the member or person concerned;

(2) for a sum of not less than one hundred [dollars] (\$100) nor more than one thousand dollars (\$1,000), in the discretion of the court, if no pecuniary damages are determined;

(3) for twice the amount of damages sustained, if said amount were under the sum of one hundred dollars (\$100), and

(b) shall also be guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of up to five thousand dollars (\$5,000), or by imprisonment in jail for a term of not more than ninety (90) days, or 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 cease and desist from such action.

[Amendments: Act No. 50 of May 30, 1972; Act No. 37 of June 7, 1977; Act No. 67 of June 3, 1983; Act No. 116-1991; Act No. 121-1997; Act No. 271-2006; Act No. 250-2008; Act No. 232-2012; Act No. 22-2013; Act No. 104-2014]

Section 2A. — Apprenticeship, Training or Retraining. (29 L.P.R.A. § 147a)

Any employer, labor union, or joint labor-management committee that controls apprenticeship, training, or retraining programs, including on-the-job training programs, which discriminates against a person on the grounds of race, color, sex, marital status, sexual orientation, gender identity, social origin or condition, political affiliation, political or religious beliefs, or for being a victim or perceived as a victim of domestic violence, sexual assault or stalking, or without just cause on the grounds of age, or for being a servicemember, ex-servicemember, serving or having served in the United States Armed Forces, or holding veteran status during the admission to or employment in any apprenticeship or other training program:

(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 dollars (\$100) nor more than one thousand dollars (\$1,000), 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 dollars (\$100), and

(b) shall also be guilty of a misdemeanor and upon conviction, be punished by a fine of up to five thousand dollars (\$5,000) or by imprisonment in jail for a term [no less than thirty (30) days] not 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 cease and desist from the act involved.

[Amendments: Act No. 58 of June 22, 1975; Act No. 116-1991; Act No. 121-1997; Act No. 271-2006; Act No. 250-2008; Act No. 232-2012; Act No. 22-2013; Act No. 104-2014]

Section 3. — (29 L.P.R.A. § 148)

It shall not be presumed that the employer had knowledge of the personal situation of any employee in cases of discrimination against victims or presumed victims of domestic violence, sexual assault or stalking, unless the employer was actually in a position to have such knowledge.

The employer shall make reasonable adjustments or accommodations in the workplace as are necessary to protect its employees from a potential aggressor, once he receives notice of the potential occurrence of a dangerous situation. Failure to do so shall be presumed to be discriminatory conduct.

[Amendments: Act No. 271-2006; Act No. 4-2017]

Section 3A. — Records and reports. (29 L.P.R.A. § 148a)

Every employer and labor union shall keep and maintain for periods of time:

(a) Relevant records in order to determine if there have been or are being committed discriminatory employment practices as set forth in this Act, and

(b) shall render reports on said records as the Secretary of Labor and Human Resources may determine through regulations approved to such effect, upon previous hearing, to enforce and put into effect the provisions of this Act and the implementation thereof.

The Secretary of Labor and Human Resources shall require through regulation that each employer, labor union or joint management-labor committee controlling any apprenticeship and/or training program keep and maintain the records that may be necessary for the implementation of this Act, including, but without being limited to, a list of applicants or candidates for employment who wish to participate in those programs, and including, also, the chronological order in which the applications were received and they shall furnish to the Secretary, upon request, a detailed description of the manner in which the persons are chosen to participate in the apprenticeship and/or training programs.

Any employer or labor union violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction punished by a fine of up to five thousand dollars (\$5,000) or imprisonment in jail for a term of not more than ninety (90) days, or both penalties, in the discretion of the court.

[Amendments: Act No. 58 of June 22, 1975; Act No. 250-2008]

Section 4. — (29 L.P.R.A. § 149)

The Court of First Instance 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 Nov. 14, 1917 [*Note: Repealed and replaced by Act No. 2 of October 17, 1961*], 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 and Human Resources may, on his 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 and Human Resources, 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 dollars (\$100) for attorney's fees, if the attorney were not one from the Department of Labor and Human Resources.

Section 5. — (29 L.P.R.A. § 150)

The duty to enforce this Act is hereby imposed upon the Secretary of Labor and Human Resources.

The Secretary of Labor and Human Resources is hereby empowered to adopt any rules or regulations that are necessary:

- (a) To enable the execution and purpose of this Act, and
- (b) without limiting the general nature of the above, to define terms or words used this Act. All rules and regulations, after having been approved by the Governor and being duly promulgated, shall have the force of law.

The Secretary of Labor and Human Resources or his/her representative, is hereby authorized to perform all investigations and inspections he/she may consider necessary or convenient on his/her own initiative or through a complaint filed by a person, to determine whether an employee or labor organization has failed to comply with the provisions of this Act and to see that they are complied with, and to obtain information to be used in the administration of any of its provisions.

When a complaint for discrimination is filed at the Department of Labor and Human Resources, the one year statute of limitations to file for judicial action shall be interrupted upon notice of the complaint to the employer or defendant, provided the notice is served within said time limitation. Furthermore, said statute of limitations shall remain suspended or frozen while the complaint is being processed at the Department of Labor and Human Resources and the defendant has not been notified of the decision of the Secretary of that Department, concerning the claim. If while the claim is being processed at the Department of Labor and Human Resources, the claimant requests to be allowed to withdraw the complaint, or states that he/she no longer wishes to pursue

the action, the aforementioned time limitation shall begin again from the date the Secretary of Labor and Human Resources gives notice of his/her decision to the parties. In the other cases, the statute of limitations shall be interrupted with the extrajudicial claim, with the filing of the corresponding judicial action or by the acknowledgement of the debt on the part of the employer or his/her authorized agent.

Every employer or labor organization thus investigated, as well as their officials, employees, agents and representatives, shall produce and make available to the Secretary the records, documents or files in their possession pertaining to matters under the investigation.

In the exercise of such duties and faculties, the Secretary or any employee of the Department which he/she may designate, is hereby authorized to hold public hearings, summon witnesses, take oaths, receive testimony and, in compliance with these provisions, may issue summons under penalty of contempt of court, compel the appearance of witnesses and the production of facts, information or documentary evidence as well as of any other kind, and may also examine and copy books, records and any other documents or papers belonging to the said employer or labor organizations and may also request any other information in order to comply with the provisions of this Act; and may also resort to the Court of First Instance of Puerto Rico, to request it to order compliance with any summons or order issued by the Secretary. Non-compliance of a court order granting such a request shall constitute contempt of court.

Jurisdiction is hereby conferred upon the San Juan Court of First Instance Parts so that, at the instance of the Secretary of Labor and Human Resources, they issue injunctions and grant any other legal remedies that may be needed to enforce the terms of this Act and to see that the rules, regulations, orders and decisions issued by the Secretary of Labor and Human Resources under of the powers conferred upon him by this Act, are complied with.

The attorneys of the Department of Labor and Human Resources may act as prosecutors with all the powers and authority of the District Attorneys, in criminal cases that may arise under the provisions of this Act.

[Amendments: Act No. 58 of June 22, 1975; Act No. 10-1991]

Section 5A. — Posting of excerpt. (29 L.P.R.A. § 150a)

Every employer and labor union shall post in a conspicuous place in his or its establishment an excerpt which the Secretary of Labor and Human Resources shall prepare and supply of the provisions and regulations of this Act.

Any employer or labor union violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction punished by a fine of up to five thousand dollars (\$5,000), or imprisonment in jail for a term not more than ninety (90) days, or both penalties, in the discretion of the court for every violation incurred.

[Amendments: Act No. 58 of June 22, 1975; Act No. 250-2008]

Section 6. — Definitions. (29 L.P.R.A. § 151)

The following terms, as used in this Act, shall have the following meanings:

- 1) **“Age”** Means any age from the minimum age at which minors are legally allowed to work, according to the occupation or industry concerned, without any limit whatsoever.
- 2) **“Employer”** Includes any natural or [juridical] 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 [juridical] 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, [29 L.P.R.A. §§ 61-76], but it shall also include the officers, directors or representatives of the labor union.
- 4) **“Stalking”** Shall mean the conduct typified in in [Act No. 284 of August 21, 1999, as amended](#) by Act No. 376 of September 16, 2004.
- 5) **“Sexual assault”** Shall mean the conduct typified in Section 142 of the Commonwealth of Puerto Rico Penal Code of 2004.
- 6) **“Domestic violence”** Shall mean the conduct typified in [Act No. 54 of August 15, 1989, as amended](#).
- 7) **“Sexual orientation”** Means the ability of any person of having an emotional, affectional, or sexual attachment to persons of the other gender, the same gender, or more than one gender. In order to accomplish all the purposes provided herein, this definition shall be interpreted as broadly as possible to extend the benefits thereof to any citizen who is a victim of discrimination, whether it is a one-time event or a pattern.
- 8) **“Gender identity”** Means the manner in which an individual identifies or recognizes him/herself in relation to his/her gender, with or without regard to the individual’s designated sex at birth. In order to accomplish all the purposes provided herein, this definition shall be interpreted, as broadly as possible to extend the benefits thereof to any citizen who is a victim of discrimination, whether it is a one-time event or a pattern, and in accordance with the provisions of [Public Law No. 111-84 \(2009\), the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act](#). [Note: [18 USC § 249](#)]
- 9) **“Servicemember”** Means any person serving in the Armed Forces in any of the seven (7) uniformed corps of the Government of the United States, to wit: the United States Army; the United States Marine Corps; the United States Navy; the United States Air Force; the United States Coast Guard; the United States Public Health Service Commissioned Corps; or the National Oceanic and Atmospheric Administration Commissioned Corps, or the legal successors thereof. Moreover, it shall include the servicemembers whose service in the reserve components of the Armed Forces or the National Guard meet the requirements provided by federal laws currently in effect. This term shall also include retirees from all Armed Forces components.
- 10) **“Ex-servicemember”** Means any person who has honorably served in any of the seven (7) uniformed corps of the Government of the United States, to wit: the United States Army; the United States Marine Corps; or the United States Navy; the United States Air Force; the United States Coast Guard; the United States Public Health Service Commissioned Corps; or the National Oceanic and Atmospheric Administration Commissioned Corps, the legal successors thereof, including retirees other than veterans, as defined in this Act. It shall include ex-servicemembers

whose service in the reserved components of the Armed Forces or the National Guard meets the requirements provided by federal laws currently in effect.

11) “Veteran” Shall have the meaning as provided in Act No. 203-2007, as amended, ‘Bill of Rights of the Puerto Rican Veteran for the 21st Century.’

[Amendments: Act No. 37 of June 7, 1977; Act No. 67 of June 3, 1983; Act No. 271-2006; Act No. 232-2012; Act No. 22-2013; Act No. 104-2014]

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

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See also the [Original version Act](#), as approved by the Legislature of Puerto Rico.