

Puerto Rico State Postings

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PUERTO RICO



DISCRIMINATION IS ILLEGAL

GOVERNMENT OF PUERTO RICO
DEPARTMENT OF LABOR AND HUMAN RESOURCES

Discrimination based on age, color, sex, sexual orientation, gender identity, social or national origin, social status, marriage, political affiliation, political or religious ideas, or as a victim or being perceived as a victim of domestic violence, sexual assault or stalking, for being a service member, ex-service member, serving or having served in the Armed Forces of the United States, or for veterans status.

Act No. 109 of June 30, 1993, as amended, 29 L.P.R.A. Sec. 146 et seq., for the protection of employees and applicants for employment against discriminatory acts by employers, labor unions, or employee-worker joint committees, which provide protection against racial, gender, discrimination, age, sex, race, color, ethnicity, social or national origin, marital status, pregnancy, or gender identity, sexual orientation or gender identity or because a person is a victim of domestic violence, sexual assault or stalking, for being a service member, ex-service member, serving or having served in the Armed Forces of the United States, or for veterans status, and for other purposes.

Prohibition of discrimination based on personal, marital or family impairments in institutions that do or do not receive funds from the Commonwealth of Puerto Rico, in activities such as meeting, providing, suspending or terminating, in salary, training, benefit and other aspects of work.

PREVENTIVE ACTION:
By the power granted by the laws, I, Administrators, the Secretary of Labor and Human Resources or the Director of the Anti-Discrimination Unit, in their behalf, will discourage discrimination in employment through plans of preventive actions, and may "order - property", without a complaint, to order investigations in accordance with what is provided by Act No. 109, supra.

DISCRIMINATION BY SEX
The intention of Act No. 47 of July 6, 1985, 29 L.P.R.A. Sec. 1221 et seq., is to guarantee equal rights to employment, both for men and women, prohibiting discriminatory proceedings, fixing responsibilities and powers of the Commonwealth, public employees, labor unions, workers, employee-worker joint committees, and employment agencies.

The definition of "for reasons of sex", includes, but is not limited to, pregnancy, childbirth or related medical conditions and women affected by these reasons will receive equal treatment for all purposes related to their employment.

THE ANTI-DISCRIMINATION UNIT
The Anti-Discrimination Unit also administers, among others, Act No. 3 of March 13, 1942, as amended, 29 L.P.R.A. Sec. 467 et seq., in general terms, the Law provides as follows:

• Prejudicial acts will be entitled to a wage that will include 10% (ten percent) of the wages and fees (4 weeks) of the employee.

• The employee may choose to take the leave within 10 (ten) weeks before the end of the leave (7) after or may choose to return to work after 2 (two) weeks of paid leave. If you choose one of these options, you must present medical evidence that you are able to work.

• Abortion and premature births are covered by the Law.

• The employee can start a pregnancy leave without notice. Reduced work performance will not be considered just cause.

• Any written or verbal statement, written or spoken, that creates an environment of hostility or threat to another employee or to others, will incur civil liability for twice the damage caused or between \$1,000 and \$5,000. The employee will also have the right to reimbursement.

• Licensing benefits are granted when a child under the age of 5 (five) years of age is enrolled in a school institution.

LACTATION

Act No. 427 of December 16, 2000, "Law to Protect the Period of Breastfeeding or Extraction of Breast Milk," as amended, grants a period of breastfeeding or extraction of breast milk to employees in both private and public establishments. For employees who work full-time working days, the period of breastfeeding or extraction of breast milk, will be one hour per day, for a maximum of 200 hours per month, for a maximum of 200 hours per year (200 minutes). In the case of those employees with part-time working hours whose hours exceed 10 (hours), the period of breastfeeding or extraction of breast milk will be 30% (minutes) for every four (4) hours of work. The above period of breastfeeding or extraction of breast milk will be granted to employees who request it, provide evidence and cover other expenses. The employee who denies the benefits granted by the aforementioned Law may be fined for the damage caused to the employee for an amount equal to:

(1) three times the salary that accrues the employee for each day that was denied the period of breastfeeding or extraction of breast milk, or (2) an amount less than three thousand dollars (\$3,000), whichever is greater.

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SEXUAL HARASSMENT

Article 17 of April 22, 1988, 29 L.P.R.A. Sec. 155 et seq., was created with the specific purpose of protecting the existing employees from sexual harassment in employment and provides of the same apply to both private and physical conduct of a sexual nature, when one or more of the following circumstances occur:

• When submitting to such conduct becomes implicitly or explicitly a term or condition of a person's employment.

• When the submission or rejection of such conduct by the person becomes the basis for making decisions in the workplace.

• When the conduct has the effect of creating an environment of sexual harassment and intimidation with that person's work performance or when creating an intimidating, hostile or offensive work environment.

The employer has the duty to keep the workplace free from sexual harassment and intimidation. The employer shall:

• Clearly state to their supervisors and employees that the employer has a strong policy against sexual harassment in employment.

• Implement the necessary measures to make aware and publicize the prohibition of sexual harassment in employment.

• Give enough publicity in the workplace, for job seekers, of the rights and protection conferred by laws that prohibit sexual harassment.

• Establish an adequate and effective internal procedure to deal with complaints of sexual harassment. When any situation of sexual harassment is brought to the attention of the employer, the latter must immediately carry out an investigation process to determine if there are discriminatory practices. By failing to act problems of harassment to the attention of the employer, it will result in a violation of the law.

• If you understand that you are being discriminated against, do not witness the sexual harassment that may be subjected to. We should make contact with your supervisor or human resources. These remedies must include: name of the witness, date and place where the act of harassment took place.

PEOPLE WITH DISABILITIES:

LAW 44 OF JULY 1, 1988, 29 L.P.R.A. Sec. 1221 et seq., Empowers the Secretary of Labor and Human Resources to the Anti-Discrimination Unit, in their behalf, will discourage discrimination in employment through plans of preventive actions, and may "order - property", without a complaint, to order investigations in accordance with what is provided by Act No. 109, supra.

PROTECTION OF INDIVIDUALS WITH PERSONAL, MARITAL OR FAMILY IMPAIRMENTS:

Prevention of individualized acts with personal, marital or family impairments in institutions that do or do not receive funds from the Commonwealth of Puerto Rico, in activities such as meeting, providing, suspending or terminating, in salary, training, benefit and other aspects of work.

GENERAL REGULATIONS OF THE ANTI-DISCRIMINATION UNIT

The General Regulation of the Anti-Discrimination Unit, No. 6236 of November 21, 2000, provides:

COMPLAINTS:

• Any person who has experienced or has personal knowledge of discrimination against one or more workers, or one or several employees for employment, in accordance with Law No. 109, Law No. 47, Art. No. 3 and Art. No. 44, will be complaint with the Anti-Discrimination Unit within the next year after knowing or should have known of the alleged discriminatory action.

• As the delegate of the Federal Equal Employment Opportunity Commission, the Anti-Discrimination Unit, will be responsible for investigating complaints of violations of federal laws that prohibit discrimination in employment and that violates federal anti-discriminatory laws.

• The employee may choose to take the leave within 10 (ten) weeks before the end of the leave and (7) after or may choose to return to work after 2 (two) weeks of paid leave. If you choose one of these options, you must present medical evidence that you are able to work.

• Any written or verbal statement, written or spoken, that creates an environment of hostility or threat to another employee or to others, will incur civil liability for twice the damage caused or between \$1,000 and \$5,000. The employee will also have the right to reimbursement.

• For validation of the provisions of this Act, the employee will incur a misdemeanor.

• Licensing benefits are granted when a child under the age of 5 (five) years of age is enrolled in a school institution.

DISCRIMINATION IN EMPLOYMENT:

Article 17 of April 22, 1988, 29 L.P.R.A. Sec. 155 et seq., was created with the specific purpose of protecting the existing employees from sexual harassment in employment and provides of the same apply to both private and physical conduct of a sexual nature, when one or more of the following circumstances occur:

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