

PR Supreme Court Authorizes Women's Advocate Office to Pursue Dual Simultaneous Proceedings Against Employers for Sex and Pregnancy Discrimination

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On December 30, 2025, the Supreme Court of Puerto Rico issued an Opinion in [Oficina de la Procuradora de las Mujeres v. Corteva Agriscience Puerto Rico, Inc. and Advance Services Professional](#) (2025 TSPR 146), to rule that the Women's Advocate Office ("WAO") has jurisdiction to investigate and adjudicate claims against a private employer for violations to employment discrimination laws that protect women from sex and pregnancy-based discrimination; and that the WAO may simultaneously also file a lawsuit against the same employer to request remedies on behalf of the aggrieved woman for violations to the same employment discrimination laws, Act 100 of 1959 (general employment discrimination law) Act 69 of 1985 (sex/gender discrimination law) and Act 3 of 1942 (pregnancy/maternity discrimination law).

In this case, a pregnant worker who rendered services as a temporary employee for a client company filed a complaint before the WAO against both her direct employer and the client company, alleging sex and pregnancy discrimination in employment. The WAO initiated an investigative proceeding against both entities and, while said investigation was still ongoing, it also filed a judicial complaint in court on the employee's behalf based on the same underlying facts, asserting violations of Puerto Rico's employment antidiscrimination statutes—Act 100, Act 69, and Act 3. Several days later, the WAO issued an Order to Show Cause requiring the employer and client company to explain why administrative fines totaling \$60,000 should not be imposed against them, and it also notified an adjudicative hearing. In response, the employer and client company requested the WAO to dismiss the agency proceedings, arguing that the jurisdiction to adjudicate employment discrimination claims under Act 100, Act 69 and Act 3 rested solely with the courts. The WAO denied the request and held that its legal mandate to protect women's rights included the authority to investigate, oversee and impose fines to employers for violations to employment discrimination laws. On appeal, the WAO's administrative claim was dismissed for lack of jurisdiction. Next, the PR Supreme Court reviewed the case and reversed the dismissal, allowing the WAO to continue its proceeding against the employer and client company while it simultaneously litigated the same claims in in court in representation of the pregnant worker.

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As a result, employers may now be required to defend two simultaneous proceedings arising from the same alleged facts under the same anti-discrimination laws, that is, an administrative proceeding before the WAO for imposition of monetary fines; and a judicial action before the court for salaries, damages, and reinstatement remedies to the employee— significantly increasing defense litigation costs and compliance risk exposure.

Employers should also anticipate increased enforcement activity, with potentially different or mixed outcomes in sex and pregnancy discrimination case matters, and complex procedural challenges.

Employers are strongly advised to review employee handbooks, policies, and workplace practices related to sex, pregnancy, and lactation protections and to seek immediate legal counsel upon receipt of any such complaint filed before the WAO or a court.

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