

# Setting Evidentiary Standards: What Employers Need to Know After Puerto Rico Supreme Court's Employment Discrimination Ruling

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## Meet the Authors

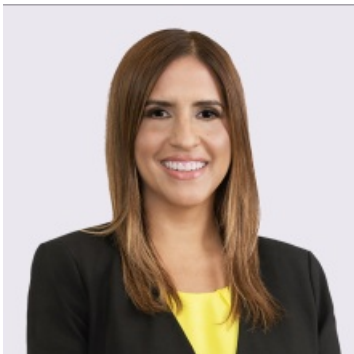


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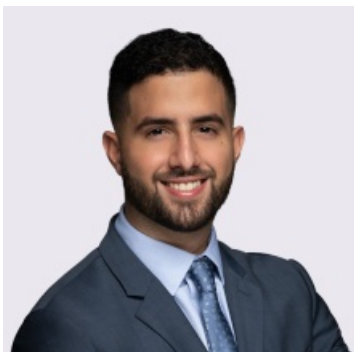


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## Takeaways

- The Puerto Rico Supreme Court ruled in *Jimenez Soto v. Carolina Catering Corp.* that the *McDonnell Douglas* burden-shifting framework applies to discrimination cases brought under the Puerto Rico Anti-Discrimination Act (Act No. 100).
- The decision also provides new guidelines for Puerto Rico courts considering discrimination cases that will allow for their consistent application of Puerto Rico and federal anti-discrimination laws.
- Employers' employment practices should align with both local and federal anti-discrimination laws.

## Articles

The Puerto Rico Supreme Court has issued an opinion interpreting, for the first time, several provisions of the Puerto Rico Labor Reform Act of 2017, specifically holding the *McDonnell Douglas* burden-shifting framework applies to cases brought under the Puerto Rico Anti-Discrimination Act, Act No. 100 (Act 100). *Jimenez Soto v. Carolina Catering Corp.* The Court held on Jan. 14, 2025, that employment discrimination claims under Puerto Rico law must be analyzed under analogous federal provisions and case law.

In *Jimenez Soto*, an employer terminated a Dominican employee because his permanent resident card expired. The employee sued alleging his termination was discriminatory due to his national origin. The Supreme Court rejected the employee's claim, holding that national origin discrimination under Act 100 does not include discrimination based on citizenship or immigration status. To reach this conclusion, the Court found it was bound to follow federal court precedents under Title VII of the Civil Rights Act, because the Puerto Rico Labor Reform Act of 2017 requires local courts to use such precedents in cases where an analogous state law exists.

For the first time, the Court held the *McDonnell Douglas* burden-shifting framework must be used when analyzing discrimination claims under Act 100. Prior to the Labor Reform Act of 2017, the law provided a presumption of discriminatory intent when the employer could not establish just cause for a termination. The Labor Reform Act of 2017 eliminated such presumption.

The *McDonnell Douglas* burden-shifting framework requires claimants to establish a

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*prima facie* case of discrimination. Where a *prima facie* case is established, the burden shifts to the employer to articulate a legitimate, nondiscriminatory reason for the adverse employment action. If the employer articulates a legitimate, nondiscriminatory reason for the adverse action, the employee must establish that the reason is pretext for discrimination. The Court reaffirmed that, while the burden of producing evidence shifts to the employer, the responsibility to persuade the court always remains with the employee.

Finally, the Court held that the federal “same actor” doctrine also applies in employment discrimination cases under Puerto Rico law. Under this doctrine, if the same individual hires and terminates an employee within a reasonably short time, an inference of nondiscrimination arises.

The Court’s decision provides guidelines for Puerto Rico courts when considering employment discrimination cases, allowing consistent application of Puerto Rico and federal anti-discrimination laws in Puerto Rico. It also reminds employers of the importance of compliance with interrelated statutes, including immigration and discrimination laws. Finally, employers need to proactively review policies, train supervisors, and consult with legal counsel to mitigate potential liabilities.

Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities.

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work.

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