

RHODE ISLAND

CHAPTER 28-50 The Rhode Island Whistleblowers' Protection Act

§ 28-50-1. Short title. This chapter may be cited as the "Rhode Island Whistleblowers' Protection Act."

§ 28-50-2. Definitions. As used in this chapter:

- "Employer" means a person employed by any employer, and shall include, but not be limited to, all employees, contract employees and independent contractors.
- "Employer" means any person, partnership, association, sole proprietorship, corporation or other business entity, including any department, agency, commission, committee, board, council, bureau, or authority or any subdivision thereof in state or municipal government. One shall employ another if services are performed for wages or under any contract of hire, written or oral, express or implied.
- "Person" means an individual, sole proprietorship, partnership, corporation, association, or any other legal entity.
- "Public body" means all of the following:
 - A state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government.
 - An agency, board, commission, council, member, or employee of the legislative branch of state government.
 - A county, city, town, or regional governing body, council, school district, or a board, department, commission, agency, or member of the judiciary.
 - Any other body which is created by statute or local authority or which is primarily funded by or through state or local authority or any member or employee of that body.
 - A state enforcement agency or member of employee of a law enforcement agency.
 - The judiciary and any member or employee of the judiciary.
- "Supervisor" means any individual to whom an employer has given the authority to direct control the work performance of the affected employee or any individual who has the authority to take corrective action regarding the violation of a law, rule or regulation to which the employee complies.

§ 28-50-3. Protection. An employer shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee's commission, terms, conditions, location, or privileges of employment.

- Because the employee, or a person acting in the employee's reports or is about to report to a public body, verbally or in writing, a violation which the employee knows or reasonably believes was committed or is about to occur, of a law or regulation or rule promulgated under the law of this state, a public authority of the state, or the United States, unless the employee knows or has reason to believe that the report is false, or
- Because an employee is requested by a public body to participate in an investigation, hearing, or inquiry held by that public body, or a court order, or
- Because an employee refuses to violate or assist in violating federal, state or local law, rule or regulation, or
- Because the employee reports verbally or in writing to the employer or to the employer's supervisor a violation, which the employee knows or reasonably believes occurred or is about to occur, of a law or regulation or rule promulgated under the law of this state, a public authority of this state, or the United States, unless the employee knows or has reason to believe that the report is false. Provided, that if the report is verbally made, the employee must establish by clear and convincing evidence that the report was made.

§ 28-50-4. Relief and damages.

- A person who alleges a violation of this act may bring a civil action for injunctive, declaratory, or actual damages, or both within three (3) years after the occurrence of the alleged violation of this chapter.
- An action commenced pursuant to subsection (a) of this section may be brought in the superior court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides or has his principal place of business.
- As used in subsection (a) of this section, "damages" means damages for harm or loss caused by alleged violation of this chapter.

§ 28-50-5. Retaliation. A court, in awarding a judgment in an action brought under this act, shall order, as the court considers appropriate, reimbursement of the employee's attorney's fees, and reimbursement of the employee's reasonable and necessary costs of litigation. This chapter shall not be construed to diminish or impair the rights of a person under any collective bargaining agreement.

§ 28-50-6. Exemption. This chapter shall not be construed to require an employer to compensate an employee for participation in an investigation, hearing or inquiry before a public body in accordance with § 28-50-3.

§ 28-50-7. No defense. An employer shall not assert any defense or other affirmative defense to keep from an employee information of his protection and obligations under this chapter.

§ 28-50-8. Severability. If any provision of this chapter is held to be unconstitutional, the invalidity or unconstitutionality shall not affect the provisions or applications of the act which can remain in effect without the invalid or unconstitutional provisions or applications, and to this end the provisions of this chapter are declared to be severable.

SEXUAL HARASSMENT IS AGAINST THE LAW

Sexual harassment is a form of discrimination that occurs when an individual makes unwelcome sexual advances, requests for sexual favors and/or other verbal or physical conduct of a sexual nature against his or her wishes.

The harasser could be:

- a supervisor
- an agent of the employer
- a supervisor in another area
- a co-worker
- someone not on the victim's

The prohibition against sexual harassment does not only apply to employees. It also applies to labor organizations, occupational agencies, and to individuals who act and act in a usual employment practice.

Sexual harassment occurs when harassment is or repeats of the conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

Sexual harassment is a violation of state and federal law.

Report incidents of harassment to:

Name: _____

Address: _____

Phone: _____

E-mail: _____

If you believe you are or have been the victim of sexual harassment, contact:
RHODE ISLAND COMMISSION FOR HUMAN RIGHTS
160 Westminster Street, Third Floor
Providence, RI 02903
401-222-2061 • TDD: 401-222-2064
Fax: 401-222-2819
www.cchr.org

— NOTICE TO EMPLOYEES — Rhode Island Parental & Family Medical Leave Act

This notice is to provide you with information on the Rhode Island Parental & Family Medical Leave Act, which requires that employers of 50 or more employees grant an unpaid leave of absence, upon the request of an eligible employee, for 12 consecutive weeks in any two calendar years, under certain conditions.

Employees Eligible
Employees are eligible to apply for leave if they are full-time employees who work an average of 30 hours a week or more and have been employed continuously for at least 12 months.

Purpose of Leave
The leave required to be provided under this Act must be for one or more of the following reasons:

- Birth of a child of an employee.
- Placement of a child 18 years of age or less with an employee in connection with the adoption of that child by the employee.
- "Serious illness" of the employee or the employee's parent, spouse, child, mother-in-law, or father-in-law (Serious illness is defined to mean a condition of physical or mental illness, lasting more than 30 consecutive days that involves inpatient care in a hospital, nursing home, or hospice, or medical care requiring continuing treatment or supervision by a health care provider).

Return From Leave
Employees who are granted leave under this Act are entitled to be restored to the position held when the leave commenced, or to a position with equivalent seniority, duties, employee benefits, pay and other terms and conditions of employment, including all fringe benefits and employee credits that would have been earned during the leave, if the employee is not a seasonal employee.

Requests for Leave
In order to be entitled to the leave, the employee must give at least 30 days notice of the intended date upon which the requested leave is to commence and terminate, unless prevented by medical emergency from doing so. Employees may be required to provide written certification of the need for leave for the leave requested, which certification shall specify the probable duration of the requested leave.

School employees
An employee who has been employed for 12 consecutive months is entitled to 10 weeks of leave during any 12-month period for school-related activities or other school-related activities for a child of whom the employee is the parent, foster parent, or guardian. A maximum of 54 hours of leave in the school year shall be available and required to be used, except an employer may accept any amount of school-related leave or other appropriate leave.

Prohibited Acts
It shall be unlawful for any employer who has granted leave under this Act to discriminate or discharge any employee for exercising the rights provided under this Act. Any discrimination or discharge action shall constitute an employer's retaliation against the employee for exercising his or her rights under this Act, and shall be prohibited.

Enforcement
A charge violation of this Act may be brought by an employee or by a complaint filed with the Director of Labor and Training of the State of Rhode Island. Civil penalties are provided for violations of this Act or any other statute by the Director of Labor and Training.

DLT www.dlt.com Rev. 6/2020

NOTICE OF RIGHT TO BE FREE FROM DISCRIMINATION BECAUSE OF PREGNANCY, CHILDBIRTH AND RELATED CONDITIONS

State law prohibits employers and applicants from discrimination based on pregnancy, childbirth and related conditions. Federal law provides similar protection. Employees and applicants have the right under state law to request a reasonable accommodation for conditions related to pregnancy, childbirth and related conditions so as to be able to perform basic job functions. The workplace may not:

- refuse to hire you because of a pregnancy-related condition unless it would create an undue hardship on the employer's business; or
- require you to take a leave or a reasonable accommodation can be provided; or
- fire you, or your employment opportunities based on a refusal to provide a reasonable accommodation.

If you want to request a reasonable accommodation, or if you have been discriminated against based on pregnancy, childbirth or related conditions, please contact one of the following staff members:

Name: _____

Phone Number: _____

Email address: _____

Address: _____

Name: _____

Phone Number: _____

Email address: _____

DISCRIMINATION IS ILLEGAL

State and federal laws prohibit harassment and discrimination in hiring, terms and conditions, promotion, discharge, salary benefits, and other aspects of employment based on race, color, religion, ancestry, origin, sex, sexual orientation, gender identity or expression, physical or mental disability or age over 40.

State law also prohibits employers from asking applicants about arrest records, and criminal records to ask about convictions until at or after the first interview with certain exceptions.

You have the right to a workplace free of harassment and discrimination. Report incidents of harassment and discrimination to the Commission for Human Rights and the company representative named below:

Name: _____

Title: _____

Address: _____

Location: _____

Phone: _____

E-mail: _____

Rhode Island Commission for Human Rights
160 Westminster Street
Third Floor
Providence, RI 02903
401-222-2061 • TDD: 401-222-2064
www.cchr.org

WE ARE AN EQUAL OPPORTUNITY EMPLOYER

DLT Rhode Island Department of Labor and Training (DLT) Notice to All Employees – Information Employers Must Post

NOTICE TO ALL EMPLOYEES Unemployment Insurance Benefits

If you claim for benefits with the DLT, the same week you are unemployed or working reduced hours:

- The year you claim benefits is based on the week you claim benefits.
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- Monday is a high-number telephone day, you may prefer to the year claim later in the week.
- To collect unemployment benefits, the law requires that you must:

Employment and Training Services
If you need help finding a job:

- The Dept. of Labor & Training offers free employment and training related services including:

Temporary Disability Insurance Benefits
Who is Eligible for TDI Benefits?

Who is Eligible for Temporary Caregiver Insurance Benefits?

HEALTHY AND SAFE FAMILIES and WORKPLACES ACT

Employers are required to provide a safe and healthy workplace for their employees. This includes providing a safe and healthy workplace for their employees.

Notice to Employers / Employees

This notice is to provide you with information on the Rhode Island Parental & Family Medical Leave Act, which requires that employers of 50 or more employees grant an unpaid leave of absence, upon the request of an eligible employee, for 12 consecutive weeks in any two calendar years, under certain conditions.

The Rhode Island Right-To-Know Law

Under the Rhode Island Right-To-Know Law, your employer must tell you about the dangers of any hazardous substances in your workplace.

You have a right to know:

- the common name or trade name of the substances, including the chemical name;
- the level of each exposure to the substance in the workplace;
- the effects and symptoms of exposure to all hazardous levels;
- the controls for hazardous substances, and respiratory of the workers;
- applicable emergency procedures;
- proper procedures for the safe use and disposal of the substance;
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Procedures for control of all hazardous substances.

The Right-To-Know Law was revised to protect you. For more information about your rights under the new law, contact the Rhode Island Department of Labor and Training at (401) 462-6533.

Compliance Date
January 2024

Attention Employees MINIMUM WAGE - RHODE ISLAND

Effective January 1, 2024 - THIS LAW PROVIDES HOURLY MINIMUM WAGE FOR ALL EMPLOYEES \$14.00

EXCEPT: Full-time students under 18 years of age working in a non-profit religious, educational, liberal or community services organization.

Minors 14 and 15 years of age working not more than 28 hours in a week \$10.50 (75% of Minimum Wage)

Employees receiving gratuities (as of Jan. 1, 2017): \$3.89

OverTime Pay: At least 1 1/2 times the regular rate of pay for all hours worked over 40 in any workweek.

Child Labor: Employees must be at least 16 years of age to work in most non-agricultural jobs and 18 to work in certain jobs described by the U.S. Secretary of Labor.

Parental & Family Medical Leave: Employees must be at least 16 years of age to work in most non-agricultural jobs and 18 to work in certain jobs described by the U.S. Secretary of Labor.

Whistleblowers' Protection Act: Employees must be at least 16 years of age to work in most non-agricultural jobs and 18 to work in certain jobs described by the U.S. Secretary of Labor.

Sexual Harassment: Employees must be at least 16 years of age to work in most non-agricultural jobs and 18 to work in certain jobs described by the U.S. Secretary of Labor.

RHODE ISLAND DEPARTMENT OF LABOR AND TRAINING (DLT) Notice To All Employees - Information Employers Must Post Pay Equity Act

Pay Differentials for Comparable Work: Employees must be at least 16 years of age to work in most non-agricultural jobs and 18 to work in certain jobs described by the U.S. Secretary of Labor.

Employee Wage Inquiry: Employees must be at least 16 years of age to work in most non-agricultural jobs and 18 to work in certain jobs described by the U.S. Secretary of Labor.

Wage Discussion among Employees: Employees must be at least 16 years of age to work in most non-agricultural jobs and 18 to work in certain jobs described by the U.S. Secretary of Labor.

Retaliation Prohibited: Employees must be at least 16 years of age to work in most non-agricultural jobs and 18 to work in certain jobs described by the U.S. Secretary of Labor.

Enforcement: Employees must be at least 16 years of age to work in most non-agricultural jobs and 18 to work in certain jobs described by the U.S. Secretary of Labor.

Compliance Date
January 2024