



## 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:
- "Employee" means a person employed by any employer, and shall include, but not be limited to, at-will employees, contract employees and independent contractors.
  - "Employer" means any person, partnership, sole proprietorship, corporation or other business entity, including any department, agency, commission, 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 member in the executive branch of state government.
    - An agency, board, commission, officer, member or employee of the legislative branch of state government.
    - A county, city, town, or regional governing body, a council, school, district, or a board, department, commission, agency, or any member or employee of the entity.
  - Any other body which is created by state or local authority or which is primarily funded by or through state or local authority, or any member or employee of that body.
  - A law enforcement agency or any member or employee of a law enforcement agency.

- vi) The judiciary and any member or employee of the judiciary.**
- vii) Any federal agency.**
- "Supervisor" means any individual to whom an employer has given the authority to direct and 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 which the employee complains.
- § 28-50-3. Protection.** An employer shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or place of employment.
- Because the employer, or a person acting on behalf of the employer, reports or is about to report to a public body, verbally or in writing, a violation which the employee knows or reasonably believes has occurred or is about to occur, of a law or regulation or rule promulgated under the law of this state, a political subdivision of this state, or the United States, unless the employee knows or has reason to know 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 action, or because an employee refuses to verify 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 or authority, which the employee knows or reasonably believes is necessary or about to occur, of a law or regulation or rule promulgated under the laws of this state, or a political subdivision of this state, or the United States, unless the employee knows or has reason to know 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 appropriate injunctive relief, 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 their principal place of business.
  - As used in subsection (a) of this section, "damages" means damages for injury or loss caused by each violation of this chapter.
- (Deleted by R.I. 2012, ch. 208, § 5 and R.I. 2012, ch. 344, § 1.)
- § 28-50-5. Retaliation.** A court, in rendering a judgment in an action brought under this act, shall order, as the court considers appropriate, reinstatement of the employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages, or any combination of these remedies. A court may also award the complainant all or a portion of the costs of litigation, including attorneys' fees if the court determines that the award is appropriate.

- § 28-50-6. Collective bargaining.** This chapter shall not be construed to diminish or impair the rights of a person under any collective bargaining agreement.
- § 28-50-7. Exemption.** This chapter shall not be construed to require an employer to compensate an employee for participation in an investigation, hearing or inquiry held by a public body in accordance with § 28-50-3.
- § 28-50-8. Notices posted.** An employer shall post notices and use other appropriate means to keep his or his employees informed of their protections and obligations under this chapter.
- § 28-50-9. Severability.** If any provision of this act is applicable to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality shall not affect the provisions or applications of the part which can be given effect without the invalid provisions or applications, and to that 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 unwanted sexual advances, requests for sexual favors and/or other verbal or physical contact of a sexual nature against the law or the victim.

The harasser can be:

- a supervisor
- an agent of the employer
- a supervisor in another area
- a co-worker
- a non-employee
- the same sex as the victim

The prohibition against sexual harassment does not only apply to employees. It also applies to labor organizations, union representatives, and individuals who aid and abet an unlawful employment practice.

Sexual harassment occurs when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably or 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 laws.

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**, 180 Westminster Street, Third Floor, Providence, RI 02903. 401-222-2861 • TTY: 401-222-2864 Fax: 401-222-2810 www.rhcrri.gov



## — 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 employees of 50 or more employees grant an unpaid leave of absence, upon the request of an eligible employee, for 13 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 worked continuously for at least 12 months.
- Purpose of Leave**
- The leave required to be provided under the Act must be for one or more of the following reasons:
- Birth of a child of an employee.
  - Placement of a child 16 years of age or less with an employee or a connection with the adoption of such 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 disabling physical or mental illness, including inpatient care in a hospital, nursing home, or hospice, or out-patient care requiring continuing treatment as prescribed by a health care provider.

- 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 requested to provide written notification of a specific request for leave for the reason for the leave request, which certification shall specify the probable duration of the requested leave.
- School Involvement Leave**
- Employees who have been employed for 12 consecutive months is entitled to 10 hours of leave during any 12 month period at their school conference or other school-related activities for a child of whom the employee is the parent, foster parent, or guardian. A notice of 30 hours prior to the leave must be given to the employer by the employee. The leave is not required to be paid, except an employee may substitute any accrued paid leave for leave or other appropriate paid leave.

DLT Division of Labor Training Rev. 6/2020

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

State law protects employees and applicants from discrimination based on pregnancy, childbirth and related conditions. Federal law provides similar protections. Employees and applicants have the right under state law to request a reasonable accommodation for conditions related to pregnancy, childbirth and related conditions such as the need to express breast milk for a nursing child. This workplace may not:

- refuse to grant such a reasonable accommodation unless it would create an undue hardship on the employer's enterprise, business or program;
- require you to take a leave if another reasonable accommodation can be granted; or
- require you to 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 condition, please contact one of the following staff members:

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email address: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email address: \_\_\_\_\_

Address: \_\_\_\_\_

You have been the victim of discrimination based on pregnancy, childbirth or related conditions and/or denial of a reasonable accommodation, contact: **Rhode Island Commission for Human Rights**, 180 Westminster Street, 3rd Floor, Providence, RI 02903. (401) 222-2861 • TTY: 401-222-2864 www.rhcrri.gov July 2015

## 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 only" means only employees from filing applications about award records, and makes it unlawful to ask about convictions until at or after an 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: \_\_\_\_\_

Location: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_



Rhode Island Commission for Human Rights, 180 Westminster Street, Third Floor, Providence, RI 02903. 401-222-2861 • TDD: 401-222-2864 www.rhcrri.gov

**WE ARE AN EQUAL OPPORTUNITY EMPLOYER**

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

Ri General Laws §29-29-13, §29-44-38 and §29-41-15 state that these notices must be posted and maintained in conspicuous places where workers are employed. Fines may be imposed for noncompliance.

DLT is an equal opportunity employer; program, auxiliary aids and services are available on request to individuals with disabilities. TTY: RI Relay 711

### NOTICE TO ALL EMPLOYEES Unemployment Insurance Benefits

- If you become totally/partially unemployed:
- File your claim for benefits with the RI Dept. of Labor and Training (DLT) the same week you are unemployed or working reduced hours.
  - File your claim online at [www.dlt.gov/ri](http://www.dlt.gov/ri) or by telephone at (401) 415-6772. Visit [www.dlt.gov/ri](http://www.dlt.gov/ri) for hours of operation. For more information, visit [www.dlt.gov/ri](http://www.dlt.gov/ri) or call (401) 415-6772.
  - Monday is a high-volume telephone day; you may prefer to file your claim later in the week. You will need your Social Security number and name, address and telephone numbers of your family for the last two years. If you are not a U.S. citizen, your alien registration number is required.
  - To collect unemployment benefits, the law requires that you must:
    - Be unemployed through no fault of your own.
    - Have earned minimum qualifying wages while you were working.
    - Be physically able and ready to work, available for work and actively seeking work, and
    - Register for work with the RI Dept. of Labor and Training.
- You are protected under provisions of the Rhode Island Employment Security Act and the Temporary Disability Insurance Act.

### Employment and Training Services

- If you need help finding a job:
- The RI Dept. of Labor and Training offers free employment and training related services including:
    - Job referral and placement services.
    - Resource centers with a wide range of employment and training resources.
    - Career counseling and testing to help assess aptitudes and interests.
    - Internet access for employment and training information.
    - Job Search workshops to help you develop interviewing skills.
    - Resume writing seminars to help you create an effective resume and cover letter.
- Visit [www.dlt.gov](http://www.dlt.gov) to find a Career Center near you. You can also access many services on the web at [www.dlt.gov](http://www.dlt.gov).

### Temporary Disability Insurance Benefits Who is Eligible for TDI Benefits?

If you have been ill or injured and meet all of the following requirements, you may be entitled to receive Temporary Disability Insurance (TDI) benefits:

- You are unemployed due to illness, injury, or injury for a minimum of seven consecutive days or more.
- You are under the care of an approved Qualified Health Care Provider.
- You have a timely claim on in-office premises each week within the calendar week in which the first day of unemployment due to sickness occurs and within the calendar week prior or subsequent thereto.
- You earned enough qualifying wages during the base period to be monetarily eligible.

### Who is Eligible for Temporary Caregiver Insurance Benefits?

If you are caring for a seriously ill child, spouse, parent, in-law, grandparent, domestic partner or you are bonding with a newborn child, adopted child or foster child within the first 12 months of parenting, you may be eligible to receive benefits if you meet the following requirements:

- You are unemployed because you are caring for a seriously ill family member or bonding with a newborn child.
- You provide the department with the required medical evidence of the seriously ill family member and you need to care for him/her or the required proof of parent-child relationship for bonding claims.
- You earned enough qualifying wages to be monetarily eligible.

**How to Apply:** Complete a TDI/DI application. TDI claims must be filed within 90 days of the first week out of work due to illness. The DLT Director may extend this period up to 26 weeks if the individual can show a good medical reason for the delay in filing. TDI claims must be filed within 30 days after the first day of unemployment due to sickness or bonding or caregiving. TDI/DI applications may be obtained online at [www.dlt.gov/ri](http://www.dlt.gov/ri) or call (401) 462-8400. Option #1 to request an application is to mail it to us. For more information, visit [www.dlt.gov/ri](http://www.dlt.gov/ri) or call (401) 462-3430.

**NOTE:** You may be entitled to a refund of a portion of your contributions if during the calendar year TDI contributions were deducted from your pay or more than one employer information may be obtained regarding a refund by calling (401) 574-6700 or writing to the RI Director of Taxation, Employee Tax, 101 North Main Street, Providence, RI 02903-0208. TTY: RI Relay 711 • Equal Opportunity Employer

## HEALTHY AND SAFE FAMILIES and WORKPLACES ACT

Pursuant to RI General Law §29-57, you are entitled to sick and safe leave to address your own health and safety needs as well as those of your family. This leave may or may not be paid depending on the size of your employer and other factors set forth in the law.

Visit [www.dlt.gov/ri](http://www.dlt.gov/ri) or call (401) 462-8400 for more information. (Rev. 1/2018)

**Notice to Employers / Employees**

Your state has the lowest minimum wage which requires posting a notice regarding the aspects of that law. Employees are still required to post the Federal Minimum Wage notice from the U.S. Dept. of Labor. Federal and state laws have different minimum wage rates. The higher standard applies.

This Posting is for Informational Purposes Only

## This employer is subject to the provisions of the WORKERS' COMPENSATION ACT of the State of Rhode Island

Workers' Compensation Insurance Company:

Telephone: \_\_\_\_\_ Policy Effective Date: \_\_\_\_\_

In accordance with Rhode Island General Law §29-52.1, the employer must report to the Director of Labor and Training every personal injury sustained by an employee if the injury incapacitates the employee from earning full wages for at least three (3) days or requires medical treatment, regardless of the period of incapacity. If the injury proves fatal, the report must be filed within forty-eight (48) hours. If not fatal, the report shall be made within ten (10) days of the injury.

An injured employee shall be treated to choose medical treatment initially. The employer's first duty to any faculty under contract or agreement with the employer is to provide prompt medical care to be considered the employer's initial choice.

For more information about the Workers' Compensation procedures and benefits, call the Calculator at (401) 462-8100 press option 7 or TDD (401) 462-8006. If you suspect fraud, contact the Fraud Prevention Unit at (401) 462-8100 and press option 47.

In accordance with Rhode Island General Law §29-29-12, this notice must be posted and maintained in conspicuous places where workers are employed. Fines may be imposed for noncompliance.

DLT Division of Labor Training (Rev. 6/2020)

### 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 19 years of age working in a non-profit, religious, educational, or charitable or community services organization. (90% of Minimum Wage)

Minors 14-18 years of age working not more than 24 hours in a week (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. This law contains exceptions from minimum wage and overtime pay requirements for certain occupations or establishments.

**Mandatory Nurse Overtime:** hospital or medical may require certain nurses and certified nurse assistants to work overtime except in an unforeseeable emergency.

**Minimum Staff Hours:** Employees employed or permitted to be required for duty at the beginning of a work shift must be provided with 3 hours work for 3 hours wages. Retail establishments must be provided with 4 hours work on Saturdays and Holidays.

**Child Labor:** Employees must be at least 16 years of age in most nonfarm jobs and 18 to work in nonfarm jobs declared hazardous by the U.S. Secretary of Labor. Youth 14 and 15 may work, with a special permit issued by local school authority. In various jobs outside school hours under certain conditions. Different laws apply to agricultural employment.

**Interference with DLT:** May not take any retaliatory action against any employee who pays subcontractor wages to an employee, and may seek, upon conviction, a penalty up to \$500 and/or imprisonment of up to 60 days. Each week an employer fails to pay the applicable minimum wage constitutes a separate violation.

Any employer who hides or delays the DLT Director or authorized representative in the performance of duties in the enforcement of the law; refuses to admit the Director or said representative to any place of business; fails to make, keep, and preserve, any records as required; falsifies any such record; refuses to make such records available to the Director; fails to cooperate upon demand; or refuses to furnish a sworn statement of such record or any other information requested by the Director in enforcement of this law, shall be deemed in violation and subject to a fine of up to \$500. Each day such violation occurs constitutes a separate offense.

Visit [www.dlt.gov/ri](http://www.dlt.gov/ri) or call (401) 462-WAGE (8243) for more information. 1/1/2024

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

**Pay Differentials for Comparable Work**

Pursuant to Rhode Island General Law § 28-16-11, it is unlawful for an employer to pay an employee a wage based on race, color, religion, sexual orientation, gender, gender identity or expression, or ancestry, unless the differential is for comparable work. Differential wage is permissible when one or more of the following factors are present:

- An arbitrary system, provided, however, that the system is based on a proprietary related condition or personal family and medical leave, that no notice is required.
- A merit system.
- A system that measures earnings by quantity or quality of production.
- Geographic location when the location is consistent with different costs of living, provided, that no location within the state of Rhode Island will be considered to have a sufficiently different cost of living.
- Reasonable part differences, which is not based upon or derived from an differential in compensation based on (a) protected characteristic(s).
- Education, training, or experience to the extent such factors are job-related and consistent with a business necessity.
- "Work-related travel," if the travel is regular and a business necessity.
- A bona fide factor other than a protected characteristic(s), which is not based upon or derived from a differential in compensation based on a protected characteristic(s), which is job-related and necessary to the position in question, or which is consistent with business necessity.

**Wage Discussion and Inquiry**

Pursuant to Rhode Island General Law § 28-16-11, it is unlawful for an employer to prohibit employees from discussing or inquiring about their wages under the Act, or for imposing any practice made unlawful by the Act, to prohibit employees the right to discuss wages.

**Retaliation Prohibited**

Any discriminatory or disciplinary action taken against an employee for exercising these rights under the Act, or for opposing any practice made unlawful by the Act, is prohibited. Fines may be imposed for noncompliance.

DLT Division of Labor Training (Rev. 10/2023)

**Enforcement**

Actual violations of the Act may be complained of in a civil action brought by an employee, or by a complaint filed with the DLT Director.

## The Rhode Island Right-To-Know Law IGNORING THIS POSTER CAN BE HAZARDOUS TO YOUR HEALTH

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 names of the substances, including the chemical name;
- the effects and symptoms of exposure to hazardous substances;
- the potential for flammability, explosion, and reactivity of the substances;
- appropriate emergency treatment;
- proper procedures for the safe use and exposure to the substances;
- proper protective equipment for safe use; and
- procedures for clean-up of spills and leaks.

Your employer must provide you with the above information. If for the sake of health, make sure you ask about it. Your company representative is:

The Right-To-Know Law was created to protect you. For more information about your rights under the Hazardous Substances Rights-to-Know Law, contact the RI Department of Labor and Training at (401) 462-8006.

"Because not knowing about the hazardous substances you work with is the greatest hazard of all." This poster must be displayed in a conspicuous location in the workplace.

DLT Division of Labor Training (Rev. 6/2020)

