

2021 -- H 5855

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- THE RHODE ISLAND WHISTLE
BLOWERS' PROTECTION ACT

Introduced By: Representatives Morales, Alzate, Kazarian, Ranglin-Vassell, Felix,
Batista, Lombardi, and Potter

Date Introduced: February 24, 2021

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 28-50-2, 28-50-3, 28-50-4 and 28-50-8 of the General Laws in
2 Chapter 28-50 entitled "The Rhode Island Whistleblowers' Protection Act" are hereby amended to
3 read as follows:

4 **28-50-2. Definitions.**

5 As used in this chapter:

6 (1) "Employee" means a person employed by any employer, and shall include, but not be
7 limited to, at-will employees, contract employees, applicants, prospective employees and
8 independent contractors.

9 (2) "Employer" means any person, partnership, association, sole proprietorship,
10 corporation or other business entity, including any department, agency, commission, committee,
11 board, council, bureau, or authority or any subdivision thereof in state or municipal government.
12 One shall employ another if services are performed for wages or under any contract of hire, written
13 or oral, express or implied.

14 (3) "Person" means an individual, sole proprietorship, partnership, corporation,
15 association, or any other legal entity.

16 (4) "Public body" means all of the following:

17 (i) A state officer, employee, agency, department, division, bureau, board, commission,
18 council, authority, or other body in the executive branch of state government.

1 (ii) An agency, board, commission, council, member, or employee of the legislative branch
2 of state government.

3 (iii) A county, city, town, or regional governing body, a council, school district, or a board,
4 department, commission, agency, or any member or employee of the entity.

5 (iv) Any other body which is created by state or local authority or which is primarily funded
6 by or through state or local authority, or any member or employee of that body.

7 (v) A law enforcement agency or any member or employee of a law enforcement agency.

8 (vi) The judiciary and any member or employee of the judiciary.

9 (vii) Any federal agency.

10 (5) "Supervisor" means any individual to whom an employer has given the authority to
11 direct and control the work performance of the affected employee or any individual who has the
12 authority to take corrective action regarding the violation of a law, rule or regulation about which
13 the employee complains.

14 **28-50-3. Protection.**

15 An employer shall not discharge, threaten, or otherwise discriminate against an employee
16 regarding the employee's compensation, terms, conditions, location, or privileges of employment
17 [nor shall an employer report or threaten to report an employee's immigration status to Immigration](#)
18 [and Customs Enforcement \(ICE\) or any other immigration agency or law enforcement agency](#)
19 [including local and state police:](#)

20 (1) Because the employee, or a person acting on behalf of the employee, reports or is about
21 to report to a public body, verbally or in writing, a violation which the employee knows or
22 reasonably believes has occurred or is about to occur, of a law or regulation or rule promulgated
23 under the law of this state, a political subdivision of this state, or the United States, unless the
24 employee knows or has reason to know that the report is false, or

25 (2) Because an employee is requested by a public body to participate in an investigation,
26 hearing, or inquiry held by that public body, or a court action, or

27 (3) Because an employee refuses to violate or assist in violating federal, state or local law,
28 rule or regulation, or

29 (4) Because the employee reports verbally or in writing to the employer or to the
30 employee's supervisor a violation, which the employee knows or reasonably believes has occurred
31 or is about to occur, of a law or regulation or rule promulgated under the laws of this state, a political
32 subdivision of this state, or the United States, unless the employee knows or has reason to know
33 that the report is false. Provided, that if the report is verbally made, the employee must establish by
34 clear and convincing evidence that the report was made.

1 **28-50-4. Relief and damages.**

2 (a) A person who alleges a violation of this act may bring a civil action for appropriate
3 injunctive relief, or ~~actual~~ [treble](#) damages, or both within three (3) years after the occurrence of the
4 alleged violation of this chapter.

5 (b) An action commenced pursuant to subsection (a) of this section may be brought in the
6 superior court for the county where the alleged violation occurred, the county where the
7 complainant resides, or the county where the person against whom the civil complaint is filed
8 resides or has their principal place of business.

9 (c) As used in subsection (a) of this section, "damages" means damages for injury or loss
10 caused by each violation of this chapter.

11 (d) [Deleted by P.L. 2012, ch. 306, § 5 and P.L. 2012, ch. 344, § 5.]

12 **28-50-8. Notices posted.**

13 An employer shall post notices and use other appropriate means to keep his or her
14 employees informed of their protections and obligations under this chapter, [including posting in](#)
15 [prominent locations in all languages known to be spoken by employees.](#)

16 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would expand employee whistle blower protection to job applicants and
2 prospective employees. This act would further prohibit an employer from reporting or threatening
3 to report an employee's immigration status because the employee engaged in whistle blowing or
4 protected conduct. The act would provide for a private cause of action and recovery of treble
5 damages for violation.

6 This act would take effect upon passage.

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