

2023 -- H 6343

LC002382

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- MENSTRUATION LEAVE ACT

Introduced By: Representatives Alzate, Henries, Stewart, Speakman, Cotter, Spears,
Casimiro, Kazarian, McEntee, and Kislak

Date Introduced: April 28, 2023

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 28 of the General Laws entitled "LABOR AND LABOR RELATIONS"
2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 57.1

4 MENSTRUATION LEAVE ACT

5 **28-57.1-1. Short title.**

6 This act shall be known and may be cited as the "Menstruation Leave Act."

7 **28-57.1-2. Declaration of policy.**

8 It is the policy of the state to protect and promote the right to health of the people and instill
9 health consciousness among them. Likewise, the state recognizes the role of women in nation-
10 building, and shall ensure the fundamental equality before the law of women and men. Thus, it
11 shall be the priority of the state to protect working women by providing safe and healthful
12 conditions, taking into account their maternal functions, and such facilities and opportunities that
13 will enhance their welfare and enable them to realize their full potential in the service of the nation.

14 **28-57.1-3. Definitions.**

15 As used in the chapter, the following words and terms have the following meanings:

16 (1) "Department" means the department of labor and training.

17 (2) "Employee" means any person suffered or permitted to work by an employer, except
18 for those not considered employees as defined in § 28-12-2. Independent contractors,
19 subcontractors, work study participants as described pursuant to 42 U.S.C. § 2753.23,

1 apprenticeships and interns as defined under FLSA section 3(g) shall not be considered to be
2 employees for the purpose of this chapter.

3 (3) “Employer” means any individual or entity that includes any individual, partnership,
4 association, corporation, business trust, or any person or group of persons acting directly or
5 indirectly in the interest of an employer, in relation to an employee as defined in § 28-12-2, but
6 does not include the federal government; and provided that, in determining the number of
7 employees performing work for an employer as defined in 29 C.F.R. § 791.2 of the federal Fair
8 Labor Standards Act, 29 U.S.C. § 201 et seq., the total number of employees in that group shall be
9 counted.

10 (4) “Menstruation” means a discharging of blood, secretions, and tissue debris that recurs
11 typically at four (4) week intervals and lasting three (3) to five (5) days.

12 **28-57.1-4. Menstruation leave.**

13 Notwithstanding any law, rules and regulations to the contrary, every menstruating
14 employee, in the private and public sectors, shall be entitled to monthly menstruation leave of up
15 to three (3) days; provided that, the employee has rendered at least six (6) months of prior service.

16 **28-57.1-5. Greater sick and safe leave policies.**

17 (a) Nothing in this chapter shall be construed in a manner to discourage or prohibit an
18 employer from the adoption of a menstruation leave time policy that provides greater rights or
19 benefits than those provided pursuant to this chapter.

20 (b) Nothing in this chapter shall be construed as diminishing the obligation of an employer
21 to comply with any contract, collective bargaining agreement, employment benefit plan, or other
22 agreement that provides greater menstruation leave time to an employee than required in this
23 chapter.

24 **28-57.1-6. Security of tenure.**

25 Those who avail themselves of the benefits of this chapter shall be assured of security of
26 tenure. As such, the exercise of this option by them shall not be used as a basis for demotion in
27 employment or termination. The transfer to a parallel position or reassignment from one
28 organizational unit to another in the same agency or private enterprise shall be allowed; provided
29 that, it shall not involve a reduction in rank, status, salary, or otherwise amount to constructive
30 dismissal.

31 **28-57.1-7. Non-discrimination.**

32 No employer whether in the public or private sector shall discriminate against the
33 employment of women in order to avoid the benefits provided for in this chapter.

34 **28-57.1-8. Enforcement.**

1 (a) Enforcement and notice requirements pursuant to this chapter shall be in accordance
2 with enforcement and notice requirements of chapter 12 of this title.

3 (b) Any employee or former employee aggrieved by a violation of the provisions of this
4 chapter shall be entitled to the same protections and relief as under chapters 12 and 14 of this title.

5 (c) An employer who violates this chapter shall be liable for a civil penalty in an amount
6 not less than one hundred dollars (\$100) for the first violation, and each subsequent violation shall
7 be subject to the penalties under chapter 12 of this title.

8 **28-57.1-9. Regulations.**

9 The department shall coordinate implementation and enforcement of this chapter and shall
10 promulgate appropriate guidelines or regulations for such purposes. All regulations to be drafted
11 by the department, pursuant to this chapter, shall conform with existing applicable regulations and
12 statutes that govern chapter 12 of this title.

13 **28-57.1-10. Public education and outreach.**

14 The department shall develop and implement a multilingual outreach program to inform
15 employers and employees, about the availability of menstruation leave time under this chapter. This
16 program shall include the distribution of notices and other written materials in English and in all
17 languages spoken by more than five percent (5%) of Rhode Island's population and any language
18 deemed appropriate by the department.

19 **28-57.1-11. Severability.**

20 If any provision of this chapter or any rule or regulation created under this chapter, or the
21 application of any provision of this chapter to any person or circumstance shall be held invalid by
22 any court of competent jurisdiction, the remainder of the chapter, rule, or regulation and the
23 application of such provision to other persons or circumstances shall not be affected thereby. The
24 invalidity of any section or sections or parts of any section of this chapter shall not affect the validity
25 of the remainder of this chapter and to this end the provisions of the chapter are declared to be
26 severable.

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

=====
LC002382
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- MENSTRUATION LEAVE ACT

- 1 This act would grant leave of up to three (3) days per month to menstruating employees.
- 2 This act would take effect upon passage.

=====
LC002382
=====