

2025 -- S 0361

LC001376

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- FAIR EMPLOYMENT PRACTICES

Introduced By: Senators Urso, Sosnowski, Murray, Euer, Gallo, Lawson, Felag,  
DiPalma, Tikoian, and Britto

Date Introduced: February 21, 2025

Referred To: Senate Labor & Gaming

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-5-7.4 of the General Laws in Chapter 28-5 entitled "Fair  
2 Employment Practices" is hereby amended to read as follows:

3 ~~28-5-7.4. Accommodation of pregnancy-related conditions.~~ Accommodation of  
4 pregnancy-related and menopause-related conditions.

5 (a) It shall be an unlawful employment practice for an employer, as defined in § 28-5-6, to  
6 do the following:

7 (1) To refuse to reasonably accommodate an employee's or prospective employee's  
8 condition related to pregnancy, childbirth, [menopause](#), or a related medical condition, including,  
9 but not limited to, the need to express breast milk for a nursing child, if she so requests, unless the  
10 employer can demonstrate that the accommodation would pose an undue hardship on the  
11 employer's program, enterprise, or business;

12 (2) To require an employee to take leave if another reasonable accommodation can be  
13 provided to an employee's condition related to the pregnancy, childbirth, [menopause](#), or a related  
14 medical condition;

15 (3) To deny employment opportunities to an employee or prospective employee, if such  
16 denial is based on the refusal of the employer to reasonably accommodate an employee's or  
17 prospective employee's condition related to pregnancy, childbirth, [menopause](#), or a related medical  
18 condition;

19 (4) To fail to provide written notice, including notice conspicuously posted at an

1 employer's place of business in an area accessible to employees, of the right to be free from  
2 discrimination in relation to pregnancy, childbirth, [menopause](#), and related conditions, including  
3 the right to reasonable accommodations for conditions related to pregnancy, childbirth, [menopause](#),  
4 or related conditions pursuant to this section to:

5 (i) New employees at the commencement of employment;

6 (ii) Existing employees within one hundred twenty (120) days after the effective date of  
7 June 25, 2015;

8 (iii) Any employee who notifies the employer of her pregnancy [or menopause](#), within ten  
9 (10) days of such notification;

10 (5) For any person, whether or not an employer, employment agency, labor organization,  
11 or employee, to aid, abet, incite, compel, or coerce the doing of any act declared by this section to  
12 be an unlawful employment practice; or to obstruct or prevent any person from complying with the  
13 provisions of this section or any order issued pursuant to this section; or to attempt directly or  
14 indirectly to commit any act declared by this section to be an unlawful employment practice.

15 (b) For the purposes of this section, the following terms shall have the following meanings:

16 (1) "Qualified employee or prospective employee" means a "qualified individual" as  
17 defined in 42-87-1(3)(i);

18 (2) "Reasonably accommodate" means providing reasonable accommodations, including,  
19 but not limited to, more frequent or longer breaks, time off to recover from childbirth, acquisition  
20 or modification of equipment, seating, temporary transfer to a less strenuous or hazardous position,  
21 job restructuring, light duty, break time and private non-bathroom space for expressing breast milk,  
22 assistance with manual labor, or modified work schedules;

23 (3) "Related conditions" includes, but is not limited to, lactation or the need to express  
24 breast milk for a nursing child, [or the need to manage the effects of vasomotor symptoms](#);

25 (4) "Undue hardship" means an action requiring significant difficulty or expense to the  
26 employer. In making a determination of undue hardship, the factors that may be considered include,  
27 but shall not be limited to, the following:

28 (i) The nature and cost of the accommodation;

29 (ii) The overall financial resources of the employer; the overall size of the business of the  
30 employer with respect to the number of employees, and the number, type, and location of its  
31 facilities; and

32 (iii) The effect on expenses and resources or the impact otherwise of such accommodation  
33 upon the operation of the employer.

34 (A) The employer shall have the burden of proving undue hardship.

1 (B) The fact that the employer provides, or would be required to provide, a similar  
2 accommodation to other classes of employees who need it, such as those who are injured on the  
3 job or those with disabilities, shall create a rebuttable presumption that the accommodation does  
4 not impose an undue hardship on the employer.

5 (c) No employer shall be required by this section to create additional employment that the  
6 employer would not otherwise have created, unless the employer does so, or would do so, for other  
7 classes of employees who need accommodation, such as those who are injured on the job or those  
8 with disabilities.

9 (d) No employer shall be required to discharge any employee; transfer any employee with  
10 more seniority; or promote any employee who is not qualified to perform the job, unless the  
11 employer does so, or would do so, to accommodate other classes of employees who need it, such  
12 as those who are injured on the job or those with disabilities.

13 (e) The provisions of this section shall not be construed to affect any other provision of law  
14 relating to sex discrimination, ~~or~~ pregnancy, [or menopause](#), or to preempt, limit, diminish, or  
15 otherwise affect any other law that provides greater protection or specific benefits with respect to  
16 pregnancy, childbirth, [menopause](#), or medical conditions related to childbirth [or menopause](#).

17 (f) Nothing in this section shall be construed to require an individual with a need related to  
18 pregnancy, childbirth, [menopause](#), or a related medical condition to accept an accommodation  
19 which such individual chooses not to accept.

20 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 update and expand the current law to include menopause and menopause
- 2 related conditions in the law on fair employment practices pertaining to pregnancy and pregnancy
- 3 related conditions.
- 4           This act would take effect upon passage.

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