

# Rhode Island

## Whistleblowers' Protection Act

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

- (1) "Employee" means a person employed by any employer, and shall include, but not be limited to: at-will employees, contract employees, applicants, prospective employees, and independent contractors.
- (2) "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.
- (3) "Person" means an individual, sole proprietorship, partnership, corporation, association, or any other legal entity.
- (4) "Public body" means all of the following:
  - (i) A state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government;
  - (ii) An agency, board, commission, council, member, or employee of the legislative branch of state government;
  - (iii) 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;
  - (iv) Any other body that is created by state or local authority or that is primarily funded by or through state or local authority, or any member or employee of that body;
  - (v) 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.
- (5) "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 about 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 privileges of employment nor shall an employer report or threaten to report an employee's immigration status to Immigration and Customs Enforcement (ICE) or any other immigration agency or law enforcement agency including local and state police:

- (1) Because the employee, or a person acting on behalf of the employee, reports or is about to report to a public body, verbally or in writing, a violation that 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

- (2) 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
- (3) Because an employee refuses to violate or assist in violating federal, state, or local law, rule, or regulation; or
- (4) Because the employee reports verbally or in writing to the employer or to the employee's supervisor 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 laws 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. 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) A person who alleges a violation of this act may bring a civil action for appropriate injunctive relief, or treble damages, or both within three (3) years after the occurrence of the alleged violation of this chapter.
- (b) An action commenced pursuant to subsection (a) 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.
- (c) As used in subsection (a) of this section, "damages" means damages for injury or loss caused by each violation of this chapter.

#### **§ 28-50-5. Reinstatement**

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 her employees informed of their protections and obligations under this chapter, including posting in prominent locations in all languages known to be spoken by employees.

#### **§ 28-50-9. Severability**

If any provision of this chapter or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality shall not affect other provisions or applications of this act which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this chapter are declared to be severable.