ACLU OF RI POSITION: AMEND

TESTIMONY ON 25-H 5047,
RELATING TO WAREHOUSE WORKER PROTECTION ACT
and 25-H 5305,
RELATING TO DIVISION OF OCCUPATIONAL HEALTH
February 12, 2025

Both of these bills are designed to protect employees from onerous working conditions, one in the context of work quota requirements, and the other dealing with working in conditions of extreme heat or cold. Both bills also attempt to provide protection to employees seeking to exercise their rights under the legislation. Thus, H-5047 creates a presumption of retaliation if an employer "discriminates, retaliates, or takes any adverse action against any employee because an employee exercises their rights" provided by the legislation. Page 4, lines 9-12. H-5305 deems it an "unfair employment practice" for an employer to discriminate against an employee when the employer has failed "to implement or perform any of the duties required by the bill." Page 2, lines 32-34. However, neither bill delineates actual remedies or penalties for these failures to comply with the laws (although H-5305 implies that the remedies under the Fair Employment Practices Act would be applicable).

We would recommend that any penalties or remedies for violations be specified more clearly in both bills. One potentially relevant statute the bills could refer to in terms of remedies would be the state's Whistleblowers' Protection Act, R.I.G.L. 28-50-1 et seq. This long-standing law provides for an award of damages, reinstatement, back wages, attorneys' fees, and full reinstatement of fringe benefits and seniority rights. Similar recompense would seem applicable in the context of these bills as well. We therefore urge the committee to consider adding language along those lines to these worker protection bills and ensure there is a clear path towards appropriate remedies for violations of these laws.

Thank you for considering our views.