

Rhode Island Employers Must Accommodate Workers with Pregnancy-Related Condition

By **Christopher J. Campbell** and **Francis P. Alvarez**

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Rhode Island legislation has created new burdens for employers. The Ocean State joins a growing number of states requiring employers to reasonably accommodate a worker's condition related to pregnancy, childbirth, or related medical condition. (See our articles, [California Issues Amended Pregnancy Regulations, Extends Coverage to Perceived Pregnancy](#) and [Maryland Employers to Provide Pregnant Workers with Accommodation under New Law.](#))

The [amendment](#) to the Fair Employment Practices law makes it an unlawful employment practice for an employer:

1. To refuse to reasonably accommodate an employee's or prospective employee's condition related to pregnancy, childbirth, or a related medical condition, including, but not limited to, the need to express breast milk for a nursing child, if she so requests, unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise, or business;
2. To require an employee to take leave if another reasonable accommodation can be provided to an employee's condition related to the pregnancy, childbirth, or a related medical condition;
3. To deny employment opportunities to an employee or prospective employee, if such denial is based on the refusal of the employer to reasonably accommodate an employee's or prospective employee's condition related to pregnancy, childbirth, or a related medical condition;
4. To fail to provide written notice, including notice conspicuously posted at an employer's place of business in an area accessible to employees, of the right to be free from discrimination in relation to pregnancy, childbirth and related conditions, including the right to reasonable accommodations for conditions related to pregnancy, childbirth or related conditions.
5. For any person, whether or not an employer, employment agency, labor organization or employee, to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful employment practice, or to obstruct or prevent any person from complying with the provisions of this section or any order issued pursuant to this section, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful employment practice.

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

Meet the Author



Christopher J. Campbell

Shareholder
Boston

617-367-0025
CampbelC@jacksonlewis.com



Francis P. Alvarez

Shareholder
White Plains

914-872-6866
AlvarezF@jacksonlewis.com

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

The Rhode Island Commission for Human Rights (RICHR) has prepared a [sample notice](#), although the law does not require it to do so. The sample notice informs employees of their rights under the law and includes contact information for the RICHR if an employee believes discrimination has occurred.

Employers must give notice to:

1. all new employees upon commencement of employment;
2. all existing employees by October 23, 2015; and
3. any employee who notifies the employer of her pregnancy within 10 days of such notification.

Employers must scrutinize carefully the interplay between federal and state leave laws to determine the correct course when dealing with such accommodations. Consider reviewing policies and procedures and training (and retraining) legal, human resources, and managerial personnel about the wide range of conditions and circumstances that now may trigger a need for accommodation under federal or state law.

Jackson Lewis attorneys are available to answer inquiries regarding the new Rhode Island law and assist employers in achieving compliance with its requirements.

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