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ACLU OF RI POSITION: SUPPORT

TESTIMONY IN SUPPORT OF 21-H 5855, AN ACT RELATING TO RI WHISTLEBLOWERS' PROTECTION ACT March 17, 2021

My name is Lynette Labinger and I am a cooperating attorney with the ACLU of RI, and I write to express the organization's strong support for this bill, as well as a number of others being heard today that would achieve considerable improvements in the laws addressing discrimination in employment and providing protection against retaliation.

House bill 5855 expands the protections and prohibitions of the Rhode Island Whistleblowers' Protection Act in two important ways. First, it expands the definition of "employee"—those individuals protected by the act – to expressly include applicants and prospective employees.

Second, in addition to current protections against discharge, threats, or other acts regarding the employee's compensation, terms or conditions of employment, the bill expressly prohibits an employer from reporting or threatening to report the employee's immigration status to Immigration and Customs Enforcement (ICE) or any other immigration or law enforcement agency.

We know that some employers knowingly hire undocumented immigrants and exploit them – such as by ignoring and violating wage and hour laws, occupational safety protections, etc. – by holding the employee's undocumented status over their heads as a threat. This bill would remove a powerful source of employer intimidation which deters individuals from reporting violations of law or refusing unlawful orders, and the ACLU therefore urges its passage.