

2014 -- H 7450

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO LABOR - LABOR RELATIONS AND HOUSING DISCRIMINATION

Introduced By: Representatives Shekarchi, Almeida, and Carnevale

Date Introduced: February 12, 2014

Referred To: House Judiciary

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-5-7.3 of the General Laws in Chapter 28-5 entitled "Fair
2 Employment Practices" is hereby amended to read as follows:

3 **28-5-7.3. Discriminatory practice need not be sole motivating factor.** -- An unlawful
4 employment practice may be established in an action or proceeding under this chapter when the
5 complainant demonstrates that race, color, religion, sex, sexual orientation, gender identity or
6 expression, disability, age, or country of ancestral origin, or any activity protected by § 28.5-5-
7 7(5) was a motivating factor for any employment practice, even though the practice was also
8 motivated by other factors. Nothing contained in this section shall be construed as requiring direct
9 evidence of unlawful intent or as limiting the methods of proof of unlawful employment practices
10 under section 28-5-7.

11 SECTION 2. Chapter 11-24 of the General Laws entitled "Hotels And Public Places" is
12 hereby amended by adding thereto the following sections:

13 **11-24-2.4. Interference, coercion, or intimidation.** -- It shall be unlawful to coerce,
14 intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of
15 his or her having exercised or enjoyed, or on account of his or her having aided or encouraged
16 any other person in the exercise or enjoyment of, any right granted or protected by this chapter.
17 No person, being the owner, lessee, proprietor, manager, superintendent, agent, or employee of
18 any place of public accommodation, resort, or amusement shall discriminate in any manner
19 against any individual because he or she has opposed any practice forbidden by this chapter, or

1 because he or she has made a charge, testified, or assisted in any manner in any investigation,
2 proceeding, or hearing under this chapter.

3 **11-24-2.5. Discriminatory practice need not be sole motivating factor. --** An unlawful
4 practice may be established in an action or proceeding under this chapter when the complainant
5 demonstrates that race, color, religion, sex, sexual orientation, gender identity or expression,
6 disability, age or country of ancestral origin, or any activity protected by § 11-24-2.4, was a
7 motivating factor for any public accommodations practice, even though the practice was also
8 motivated by other factors. Nothing contained in this section shall be construed as requiring direct
9 evidence of unlawful intent or as limiting the methods of proof of unlawful practices under this
10 chapter.

11 SECTION 3. Chapter 23-6.3 of the General Laws entitled "Prevention and Suppression
12 of Contagious Diseases - HIV/AIDS" is hereby amended by adding thereto the following
13 sections:

14 **23-6.3-11.1. Interference, coercion, or intimidation. --** It shall be unlawful to coerce,
15 intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of
16 his or her having exercised or enjoyed, or on account of his or her having aided or encouraged
17 any other person in the exercise or enjoyment of, any right granted or protected by this section or
18 §§ 23-6.3-11 or 23-6.3-12 of this chapter. No person or entity shall discriminate in any manner
19 against any individual because he or she has opposed any practice forbidden by this section or §
20 23-6.3-11, or because he or she has made a charge, testified, or assisted in any manner in any
21 investigation, proceeding, or hearing under this section or §§ 23-6.3-11 or 23-6.3-12.

22 **23-6.3-11.2. Discriminatory practice need not be sole motivating factor. --** An
23 unlawful practice may be established in an action or proceeding under §§ 23-6.3-11, 23-6.3-11.1
24 or 23-6.3-12 when the complainant demonstrates that a positive HIV test result, or perception of a
25 positive test or any activity protected by § 23-6.3-11.1, was a motivating factor for any practice,
26 even though the practice was also motivated by other factors. Nothing contained in this section
27 shall be construed as requiring direct evidence of unlawful intent or as limiting the methods of
28 proof of unlawful practices under §§ 23-6.3-11, 23-6.3-11.1 or 23-6.3-12.

29 SECTION 4. Chapter 34-37 of the General Laws entitled "Rhode Island Fair Housing
30 Practices Act" is hereby amended by adding thereto the following section:

31 **34-37-5.5. Discriminatory practice need not be sole motivating factor. --** An unlawful
32 practice may be established in an action or proceeding under this chapter when the complainant
33 demonstrates that race, color, religion, sex, sexual orientation, gender identity or expression,
34 disability, age, country of ancestral origin, familial status, marital status, status as a victim of

1 domestic abuse, housing status, or any activity protected by § 34-37-5.1, was a motivating factor
2 for any housing or credit practice, even though the practice was also motivated by other factors.
3 Nothing contained in this section shall be construed as requiring direct evidence of unlawful
4 intent or as limiting the methods of proof of unlawful practices under this chapter.

5 SECTION 5. Chapter 40-9.1 of the General Laws entitled "Equal Rights of Blind and
6 Deaf Persons to Public Facilities" is hereby amended by adding thereto the following sections:

7 **40-9.1-7. Interference, coercion, or intimidation.** -- It shall be unlawful to coerce,
8 intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of
9 his or her having exercised or enjoyed, or on account of his or her having aided or encouraged
10 any other person in the exercise or enjoyment of, any right granted or protected by this chapter.
11 No person or entity shall discriminate in any manner against any individual because he or she has
12 opposed any practice forbidden by this chapter, or because he or she has made a charge, testified,
13 or assisted in any manner in any investigation, proceeding, or hearing under this chapter.

14 **40-9.1-8. Discriminatory practice need not be sole motivating factor.** -- An unlawful
15 practice may be established in an action or proceeding under this chapter when the complainant
16 demonstrates that disability or any activity protected by this chapter, was a motivating factor for
17 any practice, even though the practice was also motivated by other factors. Nothing contained in
18 this section shall be construed as requiring direct evidence of unlawful intent or as limiting the
19 methods of proof of unlawful practices under this chapter.

20 SECTION 6. Chapter 42-87 of the General Laws entitled "Civil Rights of People With
21 Disabilities" is hereby amended by adding thereto the following sections:

22 **42-87-3.1. Interference, coercion, or intimidation.** -- It shall be unlawful to coerce,
23 intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of
24 his or her having exercised or enjoyed, or on account of his or her having aided or encouraged
25 any other person in the exercise or enjoyment of, any right granted or protected by this chapter.
26 No person or entity shall discriminate in any manner against any individual because he or she has
27 opposed any practice forbidden by this chapter, or because he or she has made a charge, testified,
28 or assisted in any manner in any investigation, proceeding, or hearing under this chapter.

29 **42-87-3.2. Discriminatory practice need not be sole motivating factor.** -- An unlawful
30 practice may be established in an action or proceeding under this chapter when the complainant
31 demonstrates that disability, or any activity protected by § 42-87-3.1, was a motivating factor for
32 any practice, even though the practice was also motivated by other factors. Nothing contained in
33 this section shall be construed as requiring direct evidence of unlawful intent or as limiting the
34 methods of proof of unlawful practices under this chapter.

1 SECTION 7. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO LABOR - LABOR RELATIONS AND HOUSING DISCRIMINATION

1 This act would clarify that it is unlawful, under all the laws enforced by the Commission
2 for Human Rights, to retaliate against individuals because they have filed charges of
3 discrimination, testified or assisted in any investigation or hearing relating to discrimination or
4 opposed unlawful discriminatory practices. The act would also ensure that the cases of those who
5 allege retaliation are treated under the same standards as those alleging other forms of
6 discrimination and would establish a uniform standard for all the laws enforced by the
7 Commission for Human Rights.

8 This act would take effect upon passage.

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