



# Rhode Island Pay Equity

## **Statute**

- R.I. Gen. Laws § 28-6-17 et seq.

## **Classes protected**

- Race, color, religion, sex, sexual orientation, gender identity or expression, disability, age, or country of ancestral origin

## **Key language on pay discrimination**

- The Act prohibits an employer from paying any employee “at a wage rate less than the rate paid to employees of another race, or color, or religion, sex, sexual orientation, gender identity or expression, disability, age, or country of ancestral origin for comparable work.”

## **Exceptions for pay disparities (including affirmative defenses)**

- Seniority system
- Merit system
- System which measures earnings by quantity or quality
- Geographic location
- Shift differentials
- Job-related education, training, or experience
- Work-related travel
- Any other bona fide job-related factor other than a membership in a protected class

## **Prohibition on Salary History Inquiry**

- Employers may not “rely on the wage history of an applicant when deciding whether to consider the applicant for employment” or in determining the wages the applicant will be paid upon hire.
- Employers may not “seek the wage history of an applicant” or require that an applicant’s prior wages meet minimum or maximum criteria as a condition of being considered for employment.
- Employers may consider wage history after an initial offer is made to justify increasing the compensation offered to an applicant if wage history is voluntarily provided without prompting from the employer.

## **Anti-Retaliation**

- Prohibits retaliation

### **Wage Disclosure Requirements**

- Employers must provide a wage range when an employee is hired, a current employee moves into a new position, and/or upon the employee's request. The employer also must provide a wage range upon an applicant's request and "should" provide a wage range to an applicant prior to discussing compensation.

### **Safe Harbor for Pay Evaluations**

- An affirmative defense is available to employers if:
  - The employer conducts a self-evaluation of its pay practices between January 1, 2023 and June 30, 2026, and within two years of the lawsuit and
  - Any wage disparities found as a result of the audit were eliminated within 90 days and prior to the lawsuit.
- The law instructs courts to consider the following facts in evaluating the sufficiency of employers' pay evaluations:
  - Whether the audit includes all relevant jobs and employees within those relevant jobs;
  - Whether the audit makes a reasonable effort to identify similar jobs and employees using a consistent, fact-based approach;
  - Whether the employer has tested explanatory factors for an unbiased and relevant relationship to pay;
  - Whether the audit considers all reasonably relevant and available information; and
  - Whether the audit is "reasonably sophisticated" in its analysis of potentially comparable work, employee compensation, and permissible reasons for wage differentials.
- After June 30, 2026, employers conducting pay evaluations and remedying any differentials identified as a result will only be relieved of liability for liquidated damages and compensatory damages but will no longer be eligible for an affirmative defense.

### **Other Key Provisions**

- Employers may not reduce any employees' wages to comply with the Act, and employees may not agree to be paid less than that to which they are entitled under the Act. In addition, employees' wage histories may not be used to justify a pay differential.

### **Key Contacts**

- Kathleen McLeod Caminiti
- Lonnie Giamela
- Sheila M. Abron

- [Jacklyn Rad](#)
- [Sarah Wieselthier](#)
- [Monica Snyder Perl](#)

### ***Pay Equity Team***

Learn more about our services and team.

### ***Related Insights***

View our related Pay Equity Insights for Rhode Island