

# Now & Next

## Labor & Employment Alert

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### **Rhode Island expands Fair Employment Practices Act to cover menopause-related conditions**

By Damaris G. Hernandez and Shelagh C.N. Michaud

New RI law requires employers to accommodate menopause symptoms as part of employment protections.



#### **What's the impact?**

- Menopause and related conditions are now explicitly protected under Rhode Island's Fair Employment Practices Act (FEPA), effective June 24, 2025.
- Written and posted notice of these rights must be provided to new hires, existing employees, and anyone disclosing menopause-related conditions.

Effective June 24, 2025, Rhode Island amended the Rhode Island Fair Employment Practices Act (FEPA) to extend workplace protections to individuals experiencing menopause and menopause-related conditions. The new amendment prohibits workplace discrimination based on menopause, in addition to existing protections for pregnancy, childbirth, and related medical conditions, and requires employers to provide reasonable accommodations for menopause and menopause-related conditions.

# Key provisions of the amendment

## FEPA PROTECTED CATEGORIES EXPANDED

- / The law now explicitly includes protections for menopause and menopause-related conditions, alongside pregnancy, childbirth, and related medical conditions.
- / The law now prohibits discrimination or adverse employment actions based on menopause or related conditions.

## REASONABLE ACCOMMODATIONS REQUIRED

- / Employers must provide reasonable accommodations for employees or prospective employees experiencing menopause, in addition to pregnancy, childbirth, or related medical conditions, unless doing so would impose an undue hardship on the employer's business.
- / Examples of reasonable accommodations for menopause related conditions may include more frequent or longer breaks, modified work schedules, acquisition or modification of equipment, temporary transfer to less strenuous positions, job restructuring, or light duty.
- / The amended law specifically recognizes the need to manage the effects of vasomotor symptoms as a related condition requiring accommodation. Vasomotor symptoms can include hot flashes, night sweats, heart palpitations, and changes in blood pressure.

## EMPLOYER DEFENSES LIMITED

- / To comply with the law, employers are not required to create new positions, discharge other employees, transfer other employees with more seniority, or promote unqualified employees unless such actions are taken for other classes of employees needing accommodation (e.g., those with disabilities or workplace injuries), but they must explore other reasonable accommodations through the interactive process.
- / As under the ADA or other similar laws, employers are not required to provide reasonable accommodations which would pose an undue hardship on the business. However, employers bear the burden to prove that the accommodation(s) would cause an undue hardship. The law provides a rebuttable presumption that an accommodation is not an undue hardship if similar accommodations are provided to other employee groups.

## NOTICE REQUIRED

- / Employers must now provide written notice of the right to be free from discrimination based on menopause and related conditions, including the right to reasonable accommodations.
- / Employers must provide this notice to new employees at the start of employment, to existing

employees within 120 days of the amendment's effective date, and to any employee who notifies the employer of menopause-related conditions within ten days of such notification.

- / Employers must also include notice of these rights under FEPA with other workplace notices. These must be conspicuously posted in the workplace.

#### **ADDITIONAL PROTECTIONS**

- / As with pregnancy and childbirth and related conditions, the amendment clarifies that individuals who require accommodations are not required to accept an accommodation that they do not wish to accept.
- / Additionally, the FEPA benefits and protections for menopause do not preempt or diminish any other law providing greater protections or benefits related to menopause or related medical conditions.

## **Action steps for employers**

Rhode Island employers should promptly review and update their workplace policies and procedures to include protections for menopause and menopause-related conditions. This may include revising accommodation protocols, updating employee handbooks, and distributing and posting required workplace notices. Employers should also update training for human resources personnel and managers on the new requirements to prevent discrimination based on menopause and menopause-related conditions and to respond appropriately to accommodation requests related to menopause and menopause-related conditions. Our team provides tailored guidance and practical solutions to help employers understand their obligations under state and federal laws, implement compliant policies, and address any challenges that may arise.

For support in preparing for these changes or for assistance with any aspect of compliance, please contact your Nixon Peabody attorney or:

**Damaris G. Hernandez**

401.454.1014

[dhernandez@nixonpeabody.com](mailto:dhernandez@nixonpeabody.com)

**Shelagh C.N. Michaud**

401.454.1133

[smichaud@nixonpeabody.com](mailto:smichaud@nixonpeabody.com)