



128 Dorrance Street, Suite 400
Providence, RI 02903
Phone: (401) 831-7171
Fax: (401) 831-7175
www.riaclu.org
info@riaclu.org

ACLU OF RI POSITION: AMEND

TESTIMONY ON 24-H 7883, RELATING TO THE NICK ARJOMAND NO WEIGHT DISCRIMINATION ACT March 27, 2024

This bill would make it illegal for employers, public accommodations and other entities to discriminate against individuals based on their weight. The ACLU of Rhode Island supports this goal.

Our organization has familiarity with this issue because we handled one of the first lawsuits in the country to address the issue of weight discrimination in employment. Three decades ago, we represented a person who had worked at the then-Department of Mental Health, Retardation and Hospitals for a number of years, and who then took a leave of absence. When she sought to return to her job, however, the Department refused to rehire her, notwithstanding her past unblemished work at the agency, based solely on her obesity. We filed suit on her behalf and argued that the agency's actions violated her rights under state and federal anti-discrimination laws. The courts agreed and issued precedent-setting rulings barring discrimination on this arbitrary basis of appearance.¹ Statutorily including such a ban would have a beneficial effect of placing both employers and employees on notice of the right to be free from such discrimination.

Having said that, we do believe the bill needs to be revised to better mesh with the state anti-discrimination laws already on the books in Chapter 5 of Title 28. With those necessary adjustments, we support codifying this non-discrimination principle into our state's employment anti-discrimination laws.

¹ *Cook v. Dept. of MHRH*, 783 F.Supp. 1569, 834 F.Supp. 57 (D.R.I. 1992); 10 F.3d 17 (1st Cir. 1993).