

Testimony Regarding SB 1035: An Act Concerning Workplace Bullying  
March 5, 2015

I am a professor at Central Connecticut State University and the founder of a group called Connecticut Healthy Workplace Advocates. The group has sent the legislators on this committee, under separate cover, a petition with over 150 signatures on it asking for relief. We have also sent copies of town proclamations and one university proclamation for the annual Freedom From Workplace Bullies Week in October, 2014, advocating the principles of having a healthy workplace.

The legislation for which my group advocates is the anti-bullying Healthy Workplace Bill, introduced in 28 states and 2 territories and authored by a respected law professor, David Yamada. I advocate for this law, because in 2005 one of my dearest friends from childhood committed suicide as a result of workplace bullying. (Cart and LaGanga, 2005; Peabody, 2005). As the trustee of her estate, I looked into a legal remedy for her mother, siblings and heirs, but there was none under either state or federal law. While she was alive, there was no legal help for her either. She wasn't being sexually harassed or discriminated against. She was being abused, bullied, at work.

The Healthy Workplace Bill provides a simple legal remedy, damages to the plaintiff with a proven case, and it has no fiscal impact on the state. The definition of workplace bullying in the bill is based on accepted terms by psychologists, sociologists and the legal community. (Namie, 2013) Mr. Yamada's model bill has been introduced in so many states, because it the product of research, both legal and psychological, and because it has been tested and revised based on real political circumstances. Work in New York and Massachusetts, in particular, has resulted into alterations of the model bill over the years. (See MA Bill 1766, 2014) Last year the legislation was passed in Puerto Rico, but the governor vetoed it. I understand that the HWB might need revisions based on Connecticut law, but when people think of workplace bullying legislation, they think of the HWB. Connecticut legislators should be thinking about that bill as well. (Yamada, 2015)

Connecticut Healthy Workplace Advocates opposes SB 1035 in its present form, because it is limited to state employees; it offers no remedy to targets; it creates an advisory board appointed by the legislature with unclear duties, and no criteria to suggest that anyone appointed to this advisory board would know the first thing about workplace bullying.

Workplace bullying is like domestic violence, but it takes place in a different venue. Like domestic violence, workplace bullying must be handled carefully. It is not a situation that lends itself well to mediation, any more than an abusive spouse could undergo mediation with the abused spouse. It is a dangerous situation. Targets should be able to seek out private medical and mental health assistance. Only the availability of a remedy at law will create the incentives to stop workplace bullying. Just as sexual harassment has been curbed by legislation that offers a remedy, so will workplace bullying.

Abusive conduct is not something limited to state employees, and it cannot be studied effectively by mere political appointees. Research by the Workplace Bullying Institute has shown its prevalence in the workforce, has shown its gender dynamics, its racial dynamics and its patterns. That workplace bullying exists is not in question. Substantial research about it exists both in the United States and abroad. The legislature does not need to conduct its own research or spend taxpayer money recreating the wheel.

The proposed law will have a burden on taxpayers that will outweigh its usefulness or efficacy. The HWB places no burden on the budget.

A private right of action is a very simple solution. I understand that the business community may oppose any workplace bullying legislation. They also opposed raising the minimum wage and paid sick leave, measures that passed the legislature and were signed into law. But as the *Connecticut Law Tribune* pointed out, the HWB is a good model law. (Pirrotti and Goodbaum, Dec., 2014) The HWB spells out very clearly the affirmative defenses for employers and those named as respondents in the suit. The HWB spells out the standard of proof and the standard of intent. It is comprehensive legislation. It is not anti-business, unless is against business to want to reduce absenteeism, create a healthy, non-abusive environment, and enhance productivity. The amount spent by businesses each year to deal with the results of workplace bullying far surpasses any costs that training might have. (Asfaw, 2014)

Since my friend died, I have been contacted by hundreds of people. Some of them tell me about other suicides. Jodie Zebell, Kevin Morrissey (McNair, 2010), and many others who have died unnecessarily could have benefitted from the Healthy Workplace Bill. None of them could have benefitted from a law like SB 1035 as it is now written. Some people tell me how they contemplated suicide or struggled to maintain their marriages, care for their children, and recover some employment. They range from nurses to restaurant workers; they are of all races, ethnicities, and sexes. We desperately need the

HWB. The HWB's passage would ensure that there was training about bullying in the workplace, and it would not need to be overseen by DAS or an advisory board.

The Healthy Workplace Bill has been endorsed by the NAACP, as that organizations recognizes that the behavior of bullies is not always predicated on the characteristics of the target.

I'm not a lobbyist. I find it hard to do this kind of activism, as what comes naturally to me is teaching and research about the 17<sup>th</sup> and 18th century. This isn't the first time I have submitted testimony asking for a Healthy Workplace Bill. The bill was first introduced in 2006 in CT. I have also spoken in New York. Recently, I was a guest on a show called "Thinking Green," hosted by Ronna Stuller in New London, talking about the Healthy Workplace. I do this speaking, not because I am a target, but because I am one who loved a target, and lost her. I know how hard it is for targets to tell their stories. My friend Marlene cannot tell hers. So I will, until we have a Healthy Workplace Bill in Connecticut.

Thank you for your consideration.

Respectfully submitted,

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