



Testimony of Louise DiCocco  
Counsel  
Connecticut Business and Industry Association  
Judiciary Committee  
March 6, 2017

Good morning. My name is Louise DiCocco and I am Counsel for the Connecticut Business and Industry Association (CBIA). CBIA represents 1,000's of businesses throughout the state of Connecticut ranging from one-person businesses to large corporations. The majority of our members have fewer than 25 employees.

Thank you for the opportunity to comment on, and urge you *OPPOSE SB 929, AA Extending Whistle-blower Protections to Certain Employees; SB 932, AA Establishing a Cause of Action for Injury to Person or Property based on Negligent Infliction of Emotional Distress; and HB 7194, AAC Exceptions to the Ten-Year Repose Period for Certain Product Liability Claims.*

CBIA is **opposed** to *SB 929, AA Extending Whistle-Blower Protections to Certain Employees* for the following reasons. First, the bill adds new sections (b)(2)-(3), which provide protection for an employee who objects or refuses to participate in activity that the employee "reasonably believes" constitutes a violation or suspected violation of any state or federal law or regulation or any municipal ordinance or regulation or any court order. The "reasonable belief" concept is not contained in each of the statute's provisions. Only the two new provisions incorporate the concept of "reasonable belief. CBIA believes it would be beneficial to add this concept into the existing provisions where it makes sense to do so. Secondly, CBIA is opposed to extending the time period in which an employee may sue if discharged or disciplined in violation of the statute from 90 to 180 days after exhausting all available administrative remedies. Lastly, CBIA is opposed to the new penalties set forth in the bill that are available in civil actions for violations of the statute. In addition to reinstatement and back-pay, employees may obtain compensatory damages, the "removal" of discipline imposed upon them, future economic damages, and punitive damages, if the employer's conduct was willful or intentional. This is very problematic from an employer perspective. CBIA believes the existing language whereby damages are expressly limited to reinstatement and back-pay should remain.

CBIA is **opposed** to *SB 932, AA Establishing a Statutory Cause of Action for Injury to Person or Property based on Negligent Infliction of Emotional Distress*. The bill will create a statutory cause of action for injury to person or property for negligent infliction of emotional distress. This bill is unnecessary and will likely conflict with, and cause confusion with current common law and case law. Common law already allows plaintiffs to sue for negligent infliction of emotional distress. It is troublesome the bill also includes attorney's fees as recoverable damages. Attorney's fees are generally not included in negligence claims. This may lead to a significant increase in the filing of claims because the plaintiff would no longer be responsible for his/her own fees. For these reasons, CBIA urges opposes this bill.

CBIA is **opposed** to *HB 7194, AAC Exceptions to the Ten-Year Repose Period for Certain Product Liability Claims*. *HB 7194* would eliminate a workers' compensation requirement, specifically that a claimant not be entitled to compensation under the Connecticut Workers' Compensation statutes when determining the repose period for



A product liability claim in which the claimant alleges that harm occurred during the useful sale life of the product. Statutory periods of repose are designed to protect parties from limitless litigation. HB 7194 would allow individuals who are receiving workers' compensation to also have the ability to sue under a products liability theory without the current liability limitations required under Connecticut's statutory 10- year period of repose. This goes against the "exclusive remedy" that was intended by Connecticut's workers' compensation system. Workers' compensation is premised on the "Grand Bargain." Employers benefit from reduced financial liability for work-related injuries and diseases and, in return, employees benefit from a no-fault system in which they receive prompt medical care and disability pay for injuries sustained while working. Connecticut's workers' compensation system is one of the most generous and fair systems in the entire country. This bill will negatively impact businesses. For these reasons, CBIA urges this committee oppose the bill.

Thank you for your consideration.

