

# Workplace bullying destroys lives & organizations

## The Healthy Workplace Bill FAQs

Workplace Anti-Bullying Legislation for Massachusetts  
(Amendment #23 to the Senate Budget)



### What is the Healthy Workplace Bill (HWB)?

The HWB creates a civil legal claim for damages to workers who have been subjected to severe workplace bullying that has caused physical or psychological harm. It also incentivizes employers to sharply reduce their liability exposure through effective workplace education and policies and by responding promptly to reports of bullying behaviors.

### What is workplace bullying, and how common is it?

Workplace bullying is intentional, often repeated, typically targeted verbal and non-verbal mistreatment of an employee by a supervisor and/or co-workers. The HWB, borrowing heavily from the U.S. Supreme Court's definition of sexual harassment, uses the term "abusive work environment" to cover verbal abuse such as the use of derogatory remarks, insults, and epithets; verbal, non-verbal, or physical conduct of a threatening, intimidating, or humiliating nature; or the sabotage or undermining of an employee's work performance. Scientific surveys indicate that roughly a third of U.S. workers will experience significant bullying behaviors during their work lives, making this one of the most serious problems in the American workplace.

### What are the costs of workplace bullying to workers and employers?

Everyone loses from workplace bullying. Bullied employees may experience a variety of physical and psychological impairments, including clinical depression, anxiety conditions (including PTSD), hypertension and cardiovascular disease, and even suicidal ideation. In organizations, workplace bullying results in lower productivity and morale as well as increased costs due to higher attrition and absenteeism.

### Isn't this abusive behavior already unlawful?

No. Generic workplace bullying is legal, as countless bullied workers who consult employment lawyers soon learn. Existing harassment law protects only those who can link the mistreatment to discrimination of an individual in a protected class, such as race or sex. Currently employers have little legal incentive to prevent and stop bullying at work.

### But won't this create a lot of frivolous litigation?

No. The HWB sets a fairly high threshold for recovery. In fact, the HWB has been criticized from sectors within the left as setting too high a standard for recovery. In addition, the HWB expressly preserves traditional management rights to engage in appropriate employee evaluation, discipline, and termination.

The HWB also protects small businesses, by virtue of a recent bill change that exempts employers with fewer than 25 employees (currently in the budget amendment only).

**Let's enact a fair, balanced, and comprehensive workplace anti-bullying law in Massachusetts.**

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WORKPLACE  
BULLYING**

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