

Pass the Workplace Psychological Safety Act to hold employers accountable for psychological abuse at work

Misuse of power violates workers' right to psychological safety

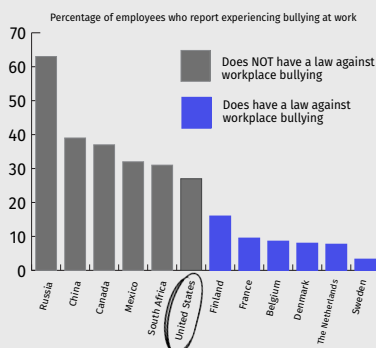
Workplace bullying and mobbing are forms of **psychological abuse** that violate an employee's inherent basic human right to dignity. Workplace psychological abuse is an issue of employee exploitation. Employers are not explicitly liable for the psychological harm of their employees and are negatively incentivized to address abuse at work even if they claim to value safe workplaces.

Workplace psychological abuse is highly affiliated with mental and physical health injuries — more prevalent than sexual harassment. The phenomenon has been dubbed a silent epidemic and is a public health threat affecting millions of employees in the United States.

Abuse of power is often a symptom of implicit bias — a problem anti-discrimination law stopped helping since the '80s when courts moved from focusing on impact to intent. Intent is a high threshold that makes the law an epic failure when it comes to disrupting hierarchies at work around demographics.

HOW WORKPLACE PSYCHOLOGICAL ABUSE WORKS

- 1 Workplace bullying typically begins when one employee, generally insecure, is threatened by the competence or demeanor of another employee.** The bully targets an unsuspecting employee to minimize and eliminate the perceived threat the employee poses to them. Bullies use persistent psychological abuse to control the narrative. They try to convince the employee and others the target is incompetent. Common tactics include false accusations, exclusion, and job or career sabotage.
- 2 When employees report psychologically abusive behavior to proper workplace authorities in toxic work environments, those authorities ignore their complaints.** Employers are not liable for psychologically abusive behavior. Employers typically mislead unsuspecting employees to believe they have legitimate complaint processes to remedy problems.
- 3 Employers typically fail to alter employees' work environments.** Employers don't often remove the stressors. The emboldened bullies continue to abuse targets without consequence or deterrent. Employers unnecessarily prolong complaint processes.
- 4 Unsuspecting employees voluntarily leave, die, or are fired, succumbing to the silent-killer stress of the work environment.** There is significant physical, mental, and emotional injury and severe economic harm. Game over. The bully wins. Their perceived competition is gone. The employer wins. Their perceived threat of liability is gone. The unsuspecting employee does nothing to provoke either.
- 5 Trauma upon trauma.** When employees realize the institutional complicity of tampering with their health and livelihood, forcing them off the payroll to avoid liability, trauma occurs. Employees further realize there is no legal recourse for any of it.



Workplace bullying rates decrease when countries have laws against it. But there are no legal protections from workplace psychological abuse in the United States except in Puerto Rico. 27% of employees in the United States reported experiencing psychological abuse at work. Countries with workplace anti-bullying laws have much lower rates of workplace bullying than the United States.

ORGANIZATION COSTS

- Higher absenteeism, turnover, training costs, and employee benefits costs
- Lower task performance, productivity, and morale

HUMAN COSTS

- Psychological distress (anxiety, depression, burnout)
- Physiological outcome (heart disease, obesity, sleep problems, cancer, PTSD, suicidal thoughts, suicide)
- Job and/or career loss and other financial harm

THE WHY BEHIND THE WORKPLACE PSYCHOLOGICAL SAFETY ACT

Employers **choose** to avoid a perceived threat of liability over human well-being. **The Workplace Psychological Safety Act (WPSA) provides a legal cause of action for employees who suffer from workplace psychological abuse when their employers choose abuse over well-being.**

- 1 There is no law that protects workers from workplace psychological abuse.** Unless you're a member of a protected class (sex, race, age, etc.) — and can prove the abuse is from your protected class membership — you don't have legal rights to psychological safety at work.
- 2 Proving intent doesn't work with anti-discrimination law — and it won't work with mistreatment in general.** Anti-discrimination law used to work when it focused on impact. The courts' shift in the '80s to a focus on intent has rendered anti-discrimination law a failure. The WPSA does not require victims to prove abusers' intent, so it would strengthen protections for women and workers of color who can prove mistreatment but not discriminatory intent.
- 3 Oftentimes, employers don't enforce their own policies or practice what they preach around training — and even retaliate against those who report abuse.**
- 4 Employers need accountability to make our workplaces psychologically safe.** The WPSA creates an incentive for employers to prevent and address workplace psychological abuse. The WPSA requires employers to do what's right before health and economic harm occur.
- 5 We can prevent harm.** No law will eradicate an issue, but the goal is to prevent psychological abuse as much as possible. Prevention means not waiting until harm occurs. Sexual harassment law acknowledges a hostile work environment is enough for legal recourse. The WPSA models that law and sets its baseline for a legal claim at a toxic work environment.
- 6 A remedy must be available to all workers.** Those in power designed our pay-to-play legal system to favor those who can afford lawyers. We must do better. As with regulations for other harms, we must also put money toward this problem to fix it. Making abuse illegal regardless of protected class status (giving more protections to members of protected classes) would ensure that everyone, especially our most vulnerable low-wage workers, can access a remedy.

WHAT THE BILL DOES

- 1 It gives targeted employees legal recourse for employers creating and maintaining a toxic work environment.** Targeted employees will be able to sue the employer and/or individual(s) in violation of the Act directly for damages and fees. Employees can also anonymously publicly disclose the case outcome, removing employers' ability to silence them with non-disclosure agreements.
- 2 It requires employers to acknowledge, monitor, detect, prevent, discourage, and adequately address psychological abuse.** Employers will be required to implement policies and training.

Visit WPSAct.org to take action.

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