

**To; [Legislator's Name] {Legislator's email address}**

I have been a person that has been bullied and or abused in the workplace. I have been bullied for the last few years by my perpetrator for that period. I have been to my Human Resources Department, My Union plus anyone who would offer me a solution and they all tell me the same thing, "I am sorry, but we cannot help you even though we feel that you may have a valid complaint."

Let us first define for you some terms for you, so that you may understand what we are talking about. Then we will briefly discuss some background of the issue. Next we will briefly discuss with you what we found that the problem is. Finally we have a solution that we would like you to adopt as a solution to this problem that has become an endemic in our society.

### **Definition of Bullying in the Workplace**

Repeated, health-harming mistreatment that disrupts the flow of work. This abusive misconduct by one or more people can take the form of:

- Verbal Abuse
- Physical and/or nonverbal behaviors that are threatening, intimidating, or humiliating
- Work interference or sabotage
- Or any combination of the above

Examples of behavior observed in the workplace:

- Yelling at a target
- Slamming doors; papers or books on a desk
- Gaslighting
- Work sabotage
- Isolation of a target
- The "silent treatment"
- Sending targets messages through third parties
- Disparate treatment
- Assigning work against medically ordered restrictions when a target is temporarily or permanently disabled.

### **Background of the Issue**

These events can be a constant in an employee's work life, leading to an allostatic overload. Targets usually feel shame. Over time, this abuse can lead to post traumatic stress disorder, heart attacks, strokes, headaches, and gastric disorders. Bullying can lead to workman's compensation claims and state disability claims. This can precipitate higher insurance costs to the employer, lead to higher employee turnover and increased usage of sick leave. Additionally, when a target is off work, increased workloads fall on other employees who have had to witness the abuse of a co-worker. Frequently, the target is a stellar employee who really knows and loves their job. Targets are most often dedicated employees, who come to work to do a 'good' job for their employer.

### **The Problem; A Hole in Our Laws**

For targets to fight this sort of behavior, they must jump through a battery of legal hoops. Even when they do so and find an attorney, they are usually told despite suffering harassment, it would not be considered illegal discrimination. The only recourse is to go back into the workplace, suffer further abuse, and then try to file a case for retaliation. Few injured targets are emotionally and physically able to do so. Targets leave jobs and perpetrators go on to find a new target.

### **What We Propose; A Healthy Workplace Act**

We offer a drafted bill with the purpose of incentivizing employers to write and follow policies ridding their workplaces of abusive behavior. Our proposal includes:

1. a clear definition of "Abusive Conduct"
2. prohibition of a Constructive Discharge when the employee was subjected to or the employee had resigned due to Abusive Conduct
3. responsibility of the employer to be aware of the Abusive Conduct prior to the employee's resignation, noting if there was a failure to stop the reported abuse
4. employer liability only when they fail to enforce their policies barring Bullying in the Workplace

However, the employer will be protected from liability:

- If the employer has exercised reasonable care to prevent and promptly correct any actionable behavior
- If the targeted employee unreasonably failed to take advantage of appropriate preventive or corrective opportunities provided.

The goal is to correct and prevent Abusive Conduct in the California workplace which is extremely common and costly to the employer, to our State, and to our families and culture.

Attached to this email are a draft of our proposed bill and the latest copy of our national Zogby survey that we do every 3 years to show how common the issue really is on a national basis.

Respectfully Submitted,

[Your name here]

California Healthy Workplace Advocates