

Submitter: David Yamada
On Behalf Of:
Committee: Senate Committee On Labor and Business
Measure: SB851

Dear Senator Manning and Honorable Members of the Senate Committee on Labor and Business,

I am a Professor of Law and Director of the New Workplace Institute at Suffolk University Law School in Boston. I have been researching the legal and policy implications of workplace bullying for over 20 years. I am the author of the Healthy Workplace Bill, model anti-bullying legislation that has become the template for legal reform efforts in this realm. The amendments proposed by Sen. Manning appear to be adapted from this model legislation.

I write in general support of the amendments proposed by Senator Manning, while strongly recommending one clarifying change and one substantive change:

1. The clarifying change is to use the term "abusive work environment" instead of "hostile work environment." The latter is commonly associated with harassment on the basis of protected class status, such as sexual harassment, which is prohibited by federal and state employment discrimination statutes. Use of the term in this bill risks confusing the public and legal stakeholders about which statute is being invoked in a given proceeding. In my draft of the Healthy Workplace Bill, I have consistently used abusive work environment as a proxy for workplace bullying to help ensure that distinction.

2. The substantive change is to include physical harm along with the already included psychological harm as part of legally actionable conduct, as workplace bullying can cause significant physical ailments in addition to psychological impairments.

For the text of the Healthy Workplace Bill as introduced in the current session of the Massachusetts Legislature, please go here:
<https://malegislature.gov/Bills/193/SD712>

For my short briefing memo on the Healthy Workplace Bill, please go here:
https://www.academia.edu/98396047/Briefing_Memo_on_Healthy_Workplace_Bill

For a 2021 feature article in the American Bar Association Journal on my work concerning the legal implications of workplace bullying, please go here:
https://www.academia.edu/98395931/David_Yamada_is_fighting_to_end_workplace_bullying

For information about workplace bullying generally, please go to the website of the Workplace Bullying Institute, led by Dr. Gary Namie, one of the leading authorities on this topic:

<https://workplacebullying.org>

In addition, I am happy to discuss any aspect of this legislation with Members of the Oregon Legislative or their staff members.

Respectfully submitted,

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