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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

AN ACT

RELATING TO LABOR AND LABOR RELATIONS -- DIGNITY AT WORK ACT

<u>Introduced By:</u> Representatives Henries, Morales, Felix, Alzate, Kazarian, Biah, Speakman, and Ranglin-Vassell

Date Introduced: April 29, 2022

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 28 of the General Laws entitled "LABOR AND LABOR RELATIONS" 2 is hereby amended by adding thereto the following chapter: 3 CHAPTER 52.1 **DIGNITY AT WORK ACT** 4 5 28-52.1-1. Findings. The general assembly hereby finds as follows: 6 7 (1) Generalized workplace harassment and bullying is a severe and pervasive problem. At least one-third (1/3) of workers in the United States will face workplace bullying during their 8 9 careers. Workplace bullying leads to a loss of esteem, dignity, and self-worth for targets and 10 witnesses. Workplace bullying also leads to severe emotional, psychological, economic, and physical harm to targets. Such harms include feelings of shame and humiliation, anxiety, 11 12 depression, insomnia, hypertension, substance abuse, post-traumatic stress disorder, suicidal 13 ideation, heart disease, stress-induced illnesses, suicide, workplace violence, and job loss. 14 (2) Generalized workplace harassment and bullying costs American employers billions of 15 dollars in lost productivity, turnover, absenteeism, presenteeism, decreased morale, increased insurance premiums, workers' compensation, and medical and legal costs. 16 17 (3) Workplace bullying and general harassment has been studied in the United States since at least 1976, when psychiatrist Carroll Brodsky published the earliest examination of workplace 18

bullying in America. Since then, a multitude of employer systems have been made available to

1	address the problem. Despite these decades of work and awareness, employer policies alone have
2	been ineffective in preventing, remedying, and eliminating workplace bullying.
3	(4) In 1986, the United States Supreme Court first determined that discriminatory
4	harassment in the workplace that creates a hostile work environment is prohibited under federal
5	law. Hostile work environments are prohibited under various federal anti-discrimination statutes,
6	such as Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990
7	(ADA), and the Age Discrimination in Employment Act of 1967 (ADEA). However, a hostile work
8	environment unconnected to an employee's membership in a protected group is not actionable under
9	these laws. If mistreated employees who have been subjected to harassment cannot establish that
10	the behavior was motivated by discrimination, such employees are unlikely to be protected by the
11	law against such mistreatment.
12	(5) Existing workers' compensation provisions and common law tort law are inadequate to
13	discourage workplace bullying or to provide adequate redress to employees who have been harmed
14	by workplace bullying.
15	(6) Since the 1940s, the right to dignity has been recognized as an inalienable human right
16	and the foundation of freedom, justice, and peace in the world. A typical adult will spend at least
17	one-third (1/3) of their waking hours at work. Therefore, the right to dignity must be assured in the
18	workplace. To protect workers' right to dignity, legislation must be passed protecting this right and
19	providing legal recourse for targets of workplace bullying and/or general harassment and other
20	abusive behaviors.
21	<u>28-52.1-2. Purpose.</u>
22	It is the purpose of this chapter to:
23	(1) Recognize and protect the right to dignity and other human rights in the workplace and
24	to prevent any abusive or negative behaviors that infringe upon these rights in the workplace.
25	(2) Prevent, detect, remedy, and eliminate workplace bullying, moral, psychological, and
26	general harassment, and other abusive behavior from the American workplace.
27	(3) Provide a remedy for workers who are targets of workplace bullying, moral,
28	psychological, or general harassment, and/or other forms of workplace abuse to make whole such
29	targets of workplace abuse.
30	(4) Provide an incentive for employers to prevent, detect, remedy, and eliminate workplace
31	bullying, moral, psychological, and general harassment, and other forms of abuse in the workplace,
32	in order that such behaviors shall be addressed and eliminated before they cause harm to the targets
33	of such behaviors.
34	28-52.1-3. Definitions.

1	For the purposes of this chapter, the following words and phrases shall have the following
2	meanings:
3	(1) "Constructive discharge" means an adverse employment action where:
4	(i) The employee reasonably believed he or she was subjected to an abusive work
5	environment;
6	(ii) The employee resigned because of that conduct; and,
7	(iii) The employer knew or should have known of the abusive conduct prior to the
8	resignation and failed to stop it.
9	(2) "Employee" means one who engages in work for another, whether such work is paid or
10	unpaid. "Employee" includes individuals who perform work in any capacity, including apprentices,
11	trainees, unpaid interns, volunteers, farm workers, union stewards, and other representatives or
12	independent contractors.
13	(3) "Employer" means any organization or individual employing an individual to engage
14	in any work on their behalf or on behalf of their subsidiaries, customers, or clients, whether such
15	work is paid or unpaid. "Employer" shall include nonprofit agencies employing volunteers and
16	organizations hiring workers through a temporary agency or other such organization to perform
17	work on their behalf. Employers, who exert control over the means, methods, payroll, or personnel
18	practices of their suppliers, shall be considered joint employers with said supplier for the purpose
19	of this chapter. Where more than one organization or individual meets the definition of employer
20	under this chapter, for the purpose of a claim by a targeted employee, such organizations shall have
21	joint and several liability as co-employers.
22	(4) "Just cause" means a standard of reasonableness used to evaluate a person's actions in
23	a given set of circumstances. If a person acts with just cause, their actions are based on reasonable
24	grounds and committed in good faith.
25	(5) "Management action" means a course of action that is taken by an employer or its
26	supervisors or its agents, to direct and control the way work is done.
27	(6) "Moral, psychological, or general harassment" means unwelcome, objectionable
28	conduct that is severe or pervasive enough to create an intimidating, hostile, or abusive
29	environment.
30	(7) "Organizational practices" means actions taken and policies and practices implemented
31	in the workplace to direct the work and production of an organization.
32	(8) "Retaliation" means a materially adverse action that might deter a reasonable person
33	from engaging in protected activity, such as submitting a complaint or reporting abuse. "Materially
34	adverse" includes any form of unfavorable treatment that rises above trivial harms, petty slights, or

1	minor annoyances. Materially adverse action need not be job-related or occur in the workplace to
2	constitute unlawful retaliation.
3	(9) "Right to dignity" means the fundamental right to receive respect for one's dignity as a
4	human being and the right to enjoy the conditions necessary for human dignity to flourish. Respect
5	for dignity implies the right not to be treated in a degrading or humiliating manner.
6	(10) "Supervisor" means one who has control over any of the means, methods, wages,
7	benefits, terms, or conditions of another either through formal or implied authority. The term
8	"supervisor" shall not be limited to only those with the power to hire, fire, demote, promote,
9	transfer, or discipline. It includes those with the power to set schedules, make task assignments,
10	mediate complaints, distribute rewards and punishments, or assert other intangible forms of
11	authority.
12	(11) "Workplace bullying" means the unwanted abuse of any source of power, that has the
13	effect of or intent to intimidate, control, or otherwise strip a target of his or her right to esteem,
14	growth, dignity, voice, or other human right in the workplace. Workplace bullying may take the
15	form of moral, psychological, or general harassment, incivility, abusive supervision, violence,
16	mobbing, aggressions, and other types of objectionable behaviors. Further, these behaviors may
17	take the form of interpersonal interactions, organizational practices or management actions. These
18	behaviors may occur face-to-face or via cyberbullying. The behaviors may come from any level of
19	the organization supervision, co-workers, customers, and other third parties. The source of power
20	shall not be considered as limited to formal organizational power or authority.
21	28-52.1-4. Worker right to dignity in the workplace.
22	Every worker shall have the right to a work environment that affords them the dignity to
23	which all human beings are entitled free from all forms of bullying, mobbing, and harassment.
24	28-52.1-5. Prohibited activities.
25	(a) It shall be unlawful for any person to engage in workplace bullying or moral,
26	psychological, or general harassment of a co-worker or other employee in the work environment.
27	Bullying and moral, psychological, or general harassment shall be prohibited, without regard to its
28	subject matter or motivating animus. There is no requirement that the bullying behavior be extreme,
29	outrageous, or repetitive to be unlawful under this chapter.
30	(b) Workplace bullying and general, psychological, and moral harassment can encompass
31	a broad spectrum of conduct. Examples of workplace bullying include, but are not limited to:
32	(1) Persistent or egregious use of abusive, insulting, or offensive language;
33	(2) Unwarranted physical contact or threatening gestures;
34	(3) Interfering with a person's personal property or work equipment;

1	(4) The use of humiliation, personal criticism, ridicule, and demeaning comments;
2	(5) Overbearing or intimidating levels of supervision;
3	(6) Withholding information, supervision, training, or resources to prevent someone from
4	doing their job;
5	(7) Changing work arrangements, such as rosters, offices, assignments, leave, and
6	schedules to deliberately inconvenience someone;
7	(8) Isolating or marginalizing a person from normal work activities;
8	(9) Inconsistently following or enforcing rules to the detriment of an employee;
9	(10) Unjustifiably excluding colleagues from meetings or communications;
10	(11) Intruding on a person's privacy by pestering, spying, or stalking;
11	(12) Any abusive or unjust use of employment or workplace policies including
12	performance reviews, assignments of work, excessive monitoring of work, or unreasonable
13	assignment of or removal of work tasks;
14	(13) Spreading misinformation or malicious rumors;
15	(14) Subjecting individuals to excessive supervision and unwarranted monitoring;
16	(15) Inappropriate use of disciplinary procedures, including using performance reviews to
17	misrepresent an employee's work history;
18	(16) Arbitrarily withholding information that is vital for effective work performance:
19	(17) Unjustifiably removing whole areas of work responsibility from a person;
20	(18) Setting impossible targets and objectives or changing targets, without telling the
21	person;
22	(19) Deliberate isolation by ignoring or excluding a person;
23	(20) Setting tasks that are unreasonably below or beyond a person's skill level;
24	(21) Denying access to information, supervision, consultation, or resources to the detriment
25	of the worker;
26	(22) Conducting an unfair workplace investigation; or
27	(23) Any disciplinary action taken not based on just cause.
28	(c) A single incident of bullying or harassment is sufficient to create a triable issue
29	regarding the existence of a hostile work environment, if the bullying or harassing conduct creates
30	an intimidating, hostile, or offensive working environment. The question of whether are
31	environment is objectively hostile or abusive is a question of fact, that must be answered by
32	reference to all circumstances.
33	(d) The offender's intent shall not be a required element to support a claim of workplace
34	bullying or moral, general or psychological harassment. The decision on whether bullying or any

1	form of harassment has occurred is not to be determined by the intent of the offender, but rather by
2	the nature of the behavior itself.
3	(e) The analysis of whether bullying or harassment has occurred shall be conducted from
4	the view of a reasonable person, under the totality of the circumstances.
5	(f) Bullying and harassment shall be unlawful when it rises to the level that creates any
6	harm to dignity and other human rights in the workplace, causes any level of emotional,
7	psychological, social, or physical harm, otherwise creates an intimidating, hostile, or abusive
8	working environment, or otherwise unreasonably interferes with the working environment of the
9	target of such behavior.
10	(g) A management action shall not be considered bullying, if it is carried out with just cause
11	and is conducted in a reasonable manner.
12	(h) Anyone who has formal or actual authority to make or influence employment decisions,
13	including terminating one's employment and/or overseeing projects, cannot claim that such direct
14	report has bullied or harassed them under this chapter.
15	(i) It shall be unlawful for any person to aid, abet, incite, compel, or coerce the doing of an
16	act, forbidden under this chapter or to attempt to do so.
17	(j) It shall be an unlawful employment practice to coerce, intimidate, threaten, or interfere
18	with or otherwise retaliate against any person, in the exercise of any right under this chapter
19	including, but not limited to, filing a claim internally with an employer or externally through any
20	agency or court on the behalf of oneself or other, encouraging one to file such a claim, objecting to
21	behavior one perceives to be in violation of this chapter, participating in such claim as an advocate,
22	witness, or complainant, defending oneself from or against a claim under this chapter, or engaging
23	in any other reasonable participation in a claim under this chapter. Any action that would have a
24	chilling effect on a current target or future targets filing a complaint or any other participation in a
25	complaint, as a witness shall be considered unlawful retaliation under this chapter.
26	(k) It shall be an unlawful employment practice to require any complainant under this
27	chapter to enter into a non-disclosure agreement.
28	(l) It shall be an unlawful employment practice to require any complainant to enter into any
29	interest binding arbitration agreement addressing any potential unlawful practices under this
30	<u>chapter.</u>
31	28-52.1-6. Employer responsibility to assure worker dignity and to prevent, detect,
32	remedy, and eliminate all forms of workplace bullying and harassment.
33	(a) Employers shall have a general duty to provide a workplace free from bullying and
34	moral, psychological, and general harassment and a workplace that protects each employee's

1	personal integrity, dignity, and human rights.
2	(b) Employers shall be required to post notice of employees' rights under this law and to
3	distribute the employer's anti-bullying policy, including an explanation of reporting measures.
4	investigation process, and remedial processes. While posting of such notices does not abdicate an
5	employer from legal liability for workplace bullying, failure to post such notice is a per se violation
6	of this chapter, may lead to fines and penalties against the employer, and will make any and all
7	affirmative defenses against a claim of workplace bullying or general or moral harassment.
8	unavailable to said employer.
9	(c) Employers shall have a general duty to ensure to take all necessary steps to prevent,
0	detect, remedy, and eliminate workplace bullying and general harassment from their workplaces.
1	At a minimum, they shall put in place a system to monitor, prevent, and manage workplace bullying
2	and assure that workers are adequately informed and trained on workplace bullying prevention and
.3	management. The presence of such a policy does not in itself create an affirmative defense, but the
4	absence of such a policy is a per se violation of this chapter, could lead to fines and penalties against
5	the employer, and will result in affirmative defenses being unavailable against a claim file under
6	this chapter.
.7	(d) Employers shall take all necessary steps to assure that there be no retaliation against
8	any complainant who has filed a complaint under this chapter in good faith.
9	(e) Employers shall take all necessary steps to assure that there be no retaliation against
20	any individual for participating in a complaint adjudication, as a witness, for taking action as a
21	bystander to prevent or eliminate bullying of a target, or for opposing any behavior made unlawful
22	by this chapter.
23	28-52.1-7. Employer liability.
24	(a) An employer shall be liable for any damages, including economic, compensatory, and
25	punitive damages, to any employee who has been the target of any of the prohibited behaviors in
26	this chapter in the scope of their employment, unless the employer can demonstrate they have met
27	all elements of the affirmative defense, as established under § 28-52.1-9. An employee is entitled
28	to recover whichever is greater of all actual damages or five thousand dollars (\$5,000), for each
29	violation of this chapter.
80	(b) An employer shall be strictly liable for all damages, including economic, compensatory.
31	and punitive damages, resulting from any prohibited behaviors of this chapter, carried out by a
32	supervisor of such employer.
33	(c) Any employer who fails to provide notice of employees' rights under this chapter in
34	such a manner that all employees have reasonable access to such notice, shall be subject to fines

1	and penalties as deemed appropriate by the fair work commission established in § 28-32.1-11.
2	(d) Any employer who fails to implement and notify employees of a workplace bullying
3	prevention policy that includes reasonable reporting, investigatory, remedial, and anti-retaliation
4	provisions shall be deemed in violation of this chapter and shall be subject to fines and penalties
5	deemed appropriate by the fair work commission established in § 28-52.1-11. Further, such
6	employer shall not have available the affirmative defenses established in § 28-52.1-9.
7	(e) In civil actions brought under this section, the court shall award to the prevailing party
8	reasonable attorneys' fees and costs, including expert witness fees, except that a prevailing
9	defendant shall not be awarded fees and costs, unless the court finds the action was frivolous,
10	unreasonable, or groundless when brought, or the plaintiff continued to litigate, after it clearly
11	became so.
12	28-52.1-8. Individual liability.
13	Any individual who engages in workplace bullying, moral, psychological or general
14	harassment, retaliation, or any other prohibited behavior under this chapter shall be jointly and
15	severally liable, along with their employer, for any and all damages, including economic,
16	compensatory, and punitive damages.
17	28-52.1-9. Affirmative defense.
18	(a) An employer may establish an affirmative defense, to limit damages for prohibited
19	behaviors under this chapter, where such behaviors are committed by non-supervisory employees.
20	(b) An employer must show the following in order to establish such defense:
21	(1) The employer took all necessary steps to prevent, detect, and remedy behaviors
22	prohibited under this chapter.
23	(2) Such steps shall include at a minimum:
24	(i) Posting notice of employees' rights under this chapter;
25	(ii) Establishing an anti-bullying, anti-general harassment policy. Such a policy includes at
26	<u>a minimum:</u>
27	(iii) A broad reporting procedure;
28	(iv) Formal and informal reporting methods;
29	(v) Affirmative steps to detect bullying and harassment in the workplace, including
30	periodic workplace audits and climate surveys of the employer workplace;
31	(vi) An effective investigatory policy that assures neutral, well-trained investigators as well
32	as a neutral fact-finding investigation of each claim of bullying and/or harassment, a prompt
33	investigation that begins within twenty-four (24) hours of the filing of a claim or employer
34	knowledge of a potential violation under this chapter, and completion of such investigation within

1	a reasonable time period, not to exceed rive (3) days, timess a crear justification for such extended
2	time exists;
3	(vii) An effective remedial process that assures an immediate cessation of any bullying and
4	harassing behavior, that assures that the bullying or harassing behavior shall not re-commence, and
5	that deters future bullying or harassing behaviors throughout the organization; and
6	(viii) An effective anti-retaliation provision, that assures no retaliation occurs against any
7	complainant, target, or other participant in any claim of workplace bullying or harassment.
8	(c) An employer may establish an affirmative defense against a claim of bullying or
9	harassment based on an organizational practice or management action, only where they can
10	establish by a preponderance of the evidence that such practice or action was carried out with just
11	cause and meets each of the eight (8) tests of just cause set forth in subsection (b) of this section or
12	that such action was taken out of economic necessity. Burden of proof in a claim involving an
13	organizational practice or management action shall entail:
14	(1) The complainant must establish that such action meets the basic elements of workplace
15	bullying that is unwanted, objectionable behavior that has the effect of infringing on the human
16	rights of the target or creating an intimidating, hostile, or abusive working environment.
17	(2) The employer must either:
18	(i) Establish that such action was taken out of just cause;
19	(ii) The action was based on a reasonable work rule;
20	(iii) The employee was notified of such rule and the potential penalty for such rule
21	violation;
22	(iv) The employer conducted a sufficient investigation to determine whether the rule was
23	violated:
24	(v) The employer's investigation was fair, impartial, and provided the employee adequate
25	due process;
26	(vi) The investigation provided adequate proof of the violation of the rule;
27	(vii) The employer has applied the rule fairly and consistently to all employees;
28	(viii) The punishment for such rule violation was reasonable given the seriousness of the
29	offense and the totality of the employee's work record; or
30	(ix) Show the action was taken out of economic necessity, such that the employer had no
31	economic option but to take the management action such as laying off employees as a result of
32	economic losses.
33	(3) The complainant will then be afforded an opportunity to show that the employer's
34	preferred reasons for the action were merely pretext to cover up bullying or harassing behavior

1	and/or were not economically necessary.
2	(d) The trier of fact shall make the determination as to whether such management action or
3	organizational practice, was either bullying, harassment or justified behavior, based on the totality
4	of the evidence presented.
5	28-52.1-10. Remedies.
6	(a) Targets of workplace bullying shall be entitled to all remedies necessary to make such
7	targets whole. Such remedies shall include:
8	(1) Economic damages for lost wages, both back pay and front pay, and any expenses,
9	related to treatment related to the bullying.
0	(2) Compensable damages to compensate for the pain and suffering, emotional and
1	psychological damages, resulting from such workplace bullying.
12	(3) Punitive damages as deemed necessary to deter future acts of workplace bullying.
13	(4) Injunctive relief, whereby the court may enjoin the defendant from engaging in the
14	unlawful employment practice.
15	(5) Equitable remedies.
16	(6) Any other relief that is deemed appropriate including, but not limited to, medical
17	expenses, psychological treatment, restorative measures, organizational training, and attorneys
18	<u>fees.</u>
19	(b) A complaining party may recover punitive damages under this chapter:
20	(1) If the complaining party can demonstrate that the employer engaged in prohibited
21	conduct, with intent to injure or with knowing disregard of the protected rights of an aggrieved
22	individual; or
23	(2) The employer failed to meet their obligations under § 28-52.1-5.
24	(c) The remedies provided in this chapter shall be in addition to any remedies provided
25	under any other law, and nothing in this chapter shall relieve any person from any liability, duty,
26	penalty, or punishment, provided by any other law.
27	<u>28-52.1-11. Cause of action.</u>
28	(a) The state shall establish a fair work commission (FWC) to address workplace bullying
29	and to enforce this chapter. In the enforcement of this chapter, the commission shall have the
30	following powers and duties to:
31	(1) Issue enforcement guidance and formulate policies to implement the purposes of this
32	chapter and make recommendations to agencies, officers of the state or its political subdivisions,
33	in aid of such policies and purposes.
34	(2) Receive initiate investigate and seek to conciliate complaints under this chapter

1	(5) Adjudicate and issue orders on complaints alleging violations of this chapter. Such
2	adjudication shall be final and binding on all parties and any appeals of such decision shall be filed
3	with the superior court.
4	(4) Require answers to interrogatories, compel the attendance of witnesses, examine
5	witnesses under oath or affirmation in person, by deposition, and require the production of
6	documents relevant to the complaint, in accordance with this chapter, both during the investigation
7	of and adjudication of complaints under this chapter.
8	(5) Issue right to sue letters to complainants who choose to litigate their claims in the court
9	system of the state, rather than pursuing the FWC's adjudication process. Such right to sue letter
10	shall extend the statute of limitations for filing such a complaint to no less than one hundred twenty
11	(120) days from the date of the issuance of such letter.
12	(6) Make available to the public information on this chapter, grievance procedures, public
13	records of the commission, and any other information that would further the purposes and intentions
14	of this chapter.
15	(b) The commission shall also have the right to represent claimants in judicial proceedings
16	and during the hearing process, under the commission's powers. At the conclusion of the
17	investigation, the commission may bring the complaint to the superior court to litigate the
18	commission's determination, recommend appropriate penalties against an employer, engage in
18 19	commission's determination, recommend appropriate penalties against an employer, engage in mediation between the claimant and employer or issue the claimant a right to sue letter, to bring a
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19 20	mediation between the claimant and employer or issue the claimant a right to sue letter, to bring a private claim of action.
19 20 21	mediation between the claimant and employer or issue the claimant a right to sue letter, to bring a private claim of action. 28-52.1-12. Statute of limitations.
19 20 21 22	mediation between the claimant and employer or issue the claimant a right to sue letter, to bring a private claim of action. 28-52.1-12. Statute of limitations. (a) Claimants shall have three (3) years from the last act of bullying or moral,
19 20 21 22 23	mediation between the claimant and employer or issue the claimant a right to sue letter, to bring a private claim of action. 28-52.1-12. Statute of limitations. (a) Claimants shall have three (3) years from the last act of bullying or moral, psychological, or general harassment to either file a complaint with the FWC or to file litigation.
19 20 21 22 23 24	mediation between the claimant and employer or issue the claimant a right to sue letter, to bring a private claim of action. 28-52.1-12. Statute of limitations. (a) Claimants shall have three (3) years from the last act of bullying or moral, psychological, or general harassment to either file a complaint with the FWC or to file litigation. (b) If a claimant files a complaint with the FWC, the statute of limitations for filing a private
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19 20 21 22 23 24 25 26	mediation between the claimant and employer or issue the claimant a right to sue letter, to bring a private claim of action. 28-52.1-12. Statute of limitations. (a) Claimants shall have three (3) years from the last act of bullying or moral, psychological, or general harassment to either file a complaint with the FWC or to file litigation. (b) If a claimant files a complaint with the FWC, the statute of limitations for filing a private cause of action is tolled. (c) Claimants who file with the FWC shall have the later of three (3) years from the date
19 20 21 22 23 24 25 26 27	mediation between the claimant and employer or issue the claimant a right to sue letter, to bring a private claim of action. 28-52.1-12. Statute of limitations. (a) Claimants shall have three (3) years from the last act of bullying or moral, psychological, or general harassment to either file a complaint with the FWC or to file litigation. (b) If a claimant files a complaint with the FWC, the statute of limitations for filing a private cause of action is tolled. (c) Claimants who file with the FWC shall have the later of three (3) years from the date of the last alleged bullying action or one hundred twenty (120) days from the issuance of the FWC
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19 20 21 22 23 24 25 26 27 28 29	mediation between the claimant and employer or issue the claimant a right to sue letter, to bring a private claim of action. 28-52.1-12. Statute of limitations. (a) Claimants shall have three (3) years from the last act of bullying or moral, psychological, or general harassment to either file a complaint with the FWC or to file litigation. (b) If a claimant files a complaint with the FWC, the statute of limitations for filing a private cause of action is tolled. (c) Claimants who file with the FWC shall have the later of three (3) years from the date of the last alleged bullying action or one hundred twenty (120) days from the issuance of the FWC right to sue letter, to file a private cause of action, after the commission issues a right to sue determination.
19 20 21 22 23 24 25 26 27 28 29 30	mediation between the claimant and employer or issue the claimant a right to sue letter, to bring a private claim of action. 28-52.1-12. Statute of limitations. (a) Claimants shall have three (3) years from the last act of bullying or moral, psychological, or general harassment to either file a complaint with the FWC or to file litigation. (b) If a claimant files a complaint with the FWC, the statute of limitations for filing a private cause of action is tolled. (c) Claimants who file with the FWC shall have the later of three (3) years from the date of the last alleged bullying action or one hundred twenty (120) days from the issuance of the FWC right to sue letter, to file a private cause of action, after the commission issues a right to sue determination. (d) Under this section, apprentices, trainees, unpaid interns, volunteers, and independent
19 20 21 22 23 24 25 26 27 28 29 30 31	mediation between the claimant and employer or issue the claimant a right to sue letter, to bring a private claim of action. 28-52.1-12. Statute of limitations. (a) Claimants shall have three (3) years from the last act of bullying or moral, psychological, or general harassment to either file a complaint with the FWC or to file litigation. (b) If a claimant files a complaint with the FWC, the statute of limitations for filing a private cause of action is tolled. (c) Claimants who file with the FWC shall have the later of three (3) years from the date of the last alleged bullying action or one hundred twenty (120) days from the issuance of the FWC right to sue letter, to file a private cause of action, after the commission issues a right to sue determination. (d) Under this section, apprentices, trainees, unpaid interns, volunteers, and independent contractors may file a complaint alleging unlawful bullying and harassment. Nothing in this section

1	The rights afforded to targets, witnesses, bystanders, and others harmed by workplace
2	bullying are non-waivable. Complainants may not be required to waive their rights under this law
3	directly or indirectly via collective bargaining agreements, mandatory arbitration clauses, or non-
4	disclosure agreements.
5	28-52.1-14. Conflict with laws.
6	(a) Nothing in this chapter should be construed as limiting employee rights under any other
7	law, including rights under Title VII of the Civil Rights Act, the Americans with Disabilities Act,
8	the Age Discrimination in Employment Act, and state Equal Employment Opportunity laws.
9	(b) Nothing in this chapter should be construed as limiting employee rights under the
10	National Labor Relations Act (NLRA) and/or state labor rights laws. Concerted Activity/Section 7
11	activity, under the NLRA, as interpreted by the National Labor Relations Board, shall not be
12	construed as workplace bullying or moral, psychological, or general harassment.
13	(c) Nothing in this chapter shall restrict workers from negotiating broader protections of
14	their dignity or protections against workplace bullying or harassment via collective bargaining or
15	other concerted activity.
16	SECTION 2. This act shall take effect upon passage.
	====== LC005752
	E000752

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO LABOR AND LABOR RELATIONS -- DIGNITY AT WORK ACT

This act would establish a broad and comprehensive framework to provide workers with more protection and remedies from bullying and harassment in the workplace.

This act would take effect upon passage.

LC005752