

HB 2167/SB 292 Ensures Healthy Workplaces for All

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OVERVIEW OF PROBLEM

- Victims of abusive work environments have few protections under the law.
- The costs, both to abused employees (reduced productivity, loss of creativity, low innovation, loss of organizational efficiency) and to their employers (legal defense, workers' compensation and long term disability claims, consultants, reduced output, extensive hiring and training costs), have financial impact across all Oregon enterprises, including for-profit, nonprofit and government organizations.
- Up to 20% of the U.S. workforce will experience some sort of abuse during their careers. At any given time, at least 4% of the population is being targeted.
- Data from a non-probability sample of 1,000 self-selected respondents suggest: 20% of respondents had been abused in the past, 7% were presently being abused, 21% had witnessed abuse of a coworker or colleague and 23% were aware that abuse existed.
- Abusive work environments occur when hostile communications are directed in a systematic way by one or more people toward a targeted individual. These behaviors occur often, even daily, and persist over long periods of time.
- Victims report havoc, pain, and financial losses they have suffered due to physical or psychological abuse by employers and/or colleagues, and they have little recourse to address the problem.
- Unless an employee is in a Title VII-protected class category (Civil Rights Act of 1964), workplace abuse is not illegal.

THE SOLUTION—HB 2167/SB 292 would:

- Encourage employers to use preventive measures to promote healthy workplaces;
- Protect workers who use self-help measures to address problems and seek resolution;
- Provide a means of relief, ensure compensation for injuries and assist victims in returning to their jobs or securing other employment;
- Ensure that abusers are punished to discourage future abuse;
- Provide precise language about the definition of “abusive work environment;”
- Require proof of injury or harm by a qualified (licensed) health-care practitioner;
- Require that claimants use private attorneys (and therefore bear the financial burden of legal representation);
- Allow victims to sue individual perpetrators while holding employers accountable; and,
- Should *not* create new departments or impose additional costs to the state.

SUPPORTERS Organizations backing HB 2167/ SB 292 include:

- National Association of Social Workers Oregon Chapter
- Oregon Trial Lawyers Association
- National Employment Law Association Oregon Chapter
- Oregon Tradeswomen

REFERENCES

Judith Geneva Balcerzak, *Workplace Bullying: Clinical and Organizational Perspectives* (NASW Press Washington, D.C. 2015).