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Re: SB 851 Amendment LC3591

My name is Jerry Carbo. I am the President of the National Workplace Bullying Coalition, an attorney in West Virginia, and a Professor in the Grove College of Business at Shippensburg University.

Article 23 of the Universal Declaration of Human Rights states that: Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. There is little doubt that workplace bullying, and harassment create working conditions that are anything but just and favourable. Not only do these behaviors create intimidating, hostile, offensive, and unfair working conditions, they also destroy the targets' -- and even bystanders'-- fundamental human right to dignity. Just as we see with unlawful harassment, workplace bullying leads to severe negative outcomes for targets, families, bystanders, communities, and organizations. These outcomes include depression, anxiety, PTSD, suicide ideation and even death. Researchers such as Einarsen, one of the pioneers in the field of the study of workplace bullying (1999) have concluded that "bullying may be a more crippling and devastating problem for employees than all other work-related stress put together."

For over a quarter of a century in one way or another I have spent my career attempting to prevent, detect, remedy, and eliminate workplace harassment and bullying in all its forms in the American workplace. I have undertaken these efforts as an employee relations and human resources manager at two Fortune 500 companies, as an attorney and consultant, as a union advocate and leader, and in my current role as a professor, researcher and President of the National Workplace Bullying Coalition. The state of the American workplace today indicates that I still have many years of work ahead of me.

As an HR manager I had the unfortunate experience of working in an organization where a bullied employee ended up taking her own life. As an attorney, I had numerous clients who were bullied so badly in their workplaces that they suffered physical manifestations including anxiety, nervousness, paranoia, physical shaking, and nervous tics. Many of my clients, as well as research participants, left their jobs much sooner than they had planned. They quit, even when they had no other options lined up. They often did so to literally save their health and even their lives. As an attorney it became more and more frustrating to have to turn clients away with the explanation that while what occurred to them was wrong, it was not unlawful because it was not based on a protected status. It was this frustration that drove me to study workplace bullying and to push for bullying/harassment legislation that does not require plaintiffs to prove their experiences were based on a protected status.

The targets I have met, whether I was able to help them from a legal standpoint or not, suffered greatly. We know that targets of workplace bullying suffer mentally, emotionally, psychologically, economically, and socially. For many targets of bullying the ending chapter of their bullying story is job loss, severe mental health crises, suicide ideation, and even death. We also know that workplace bullying is extremely pervasive. According to even the more

conservative estimates of rates of workplace bullying, 50 million American workers are targets of workplace bullying on a regular basis and over 100 million are negatively impacted by workplace bullying.

It is immoral and a clear violation of basic human rights that we allow targets to suffer this way. However, in addition to these human costs, there are also severe economic costs of workplace bullying. For organizations, the business case to eliminate workplace bullying is clear. Increased turnover, lost productivity, increased absenteeism, increased health care costs, increased litigation costs resulting from workplace bullying amount to billions of dollars each year. Targets also pay the financial cost of bullying in increased medical bills, loss of income, potentially loss of medical insurance, foreclosures, evictions, and homelessness. The targets families, including their children of course suffer these losses as well. Society also pays the costs of loss productivity, loss of community members, increased strains on social safety nets, workers comp systems, unemployment systems, health care systems, and disability systems and programs.

Even in countries that address workplace bullying through their legal system in one way or another, the overall costs can be staggering. A 2008 (Giga, Hoel,& Lewis) study of the estimated costs of workplace bullying in the UK estimated the annual costs at 682.5 million pounds. A study of just productivity loss resulting from bullying in Ireland, estimated these costs to be 239.3 million Euros annually (Cullinan,Hodgins, Hogan and Pursell, 2020). A 2001(*Sheehan, McCarthy, Barker & Henderson*) study in Australia estimated workplace bullying cost \$17-36 billion annually. Given estimated prevalence rate of bullying in the US and the larger workforce we would expect these costs to be significantly higher for US employers and the economy as a whole.

There is no business case to support workplace bullying. The business case for preventing, detecting, remedying, and eliminating bullying is clear. However, just as we have seen, and just as the EEOC Select Task Force made clear, employers are not going to simply take up this task on their own. Employers as a whole will not take the steps necessary to eliminate workplace bullying without a legal incentive to do so. While some businesses and some business organizations may oppose this legislation, those organizations tend to oppose any legislation that provides protection to the vast majority of voters – the working people of this country. Further, those organizations and businesses oppose legislation to end bullying to their own detriment. Legislation to make bullying unlawful will benefit companies large and small by reducing costs and increasing productivity.

Despite the costs of workplace bullying to all parties, bullying in the workplace remains lawful in the U.S. Even where employers have what might be a bullying policy, for targets who report via their employer's policies, very few get any help and for many the bullying gets worse. For targets of workplace bullying, their most likely outcome is to lose their job rather than seeing any positive resolution to their situation. While other countries such as Canada, Sweden, France, Australia, and Belgium, to name a few, have taken steps to address workplace bullying, the United States has lagged behind. To date, in the U.S. only Puerto Rico has passed a comprehensive bill addressing workplace bullying. Oregon can and should follow suit.

While SB 851 and amendment LC 3591 are far from perfect. The amendment as it stands would provide an avenue for many of the current targets of workplace bullying to receive a fair remedy for the bullying they have suffered. The amendment would also provide employers with the incentive to eliminate bullying from their workplaces. The amendment builds from what we have already learned via our experiences with status based harassment and simply provides the

same protections for workers who suffer these same forms of harassment but cannot connect the behaviors to a protected class. My hope is that this bill will be a critical step towards assuring the basic human right to dignity for all workers.

This amendment if passed will save jobs, will save families, will save money, and most importantly will save lives. For these reasons, the NWBC, and I both endorse the passage of LC3591 and subsequently the passage of SB 851 as amended.

Thank you for your time and attention.

Sincerely,

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