

February 12, 2025

Honorable Arthur J. Corvese
Chairman, House Labor Committee
Rhode Island State House
82 Smith Street
Providence, RI 02903

RE: H 5132 - RELATING TO LABOR AND LABOR RELATIONS -- WORKPLACE
PSYCHOLOGICAL SAFETY ACT

Dear Chairman Corvese and Honorable Members of the Committee:

As the Executive Director of Rhode Island Business Leaders Alliance (the “Alliance”), I am grateful for the opportunity to provide the House Labor Committee with this written testimony in response to H 5132 - RELATING TO LABOR AND LABOR RELATIONS -- WORKPLACE PSYCHOLOGICAL SAFETY ACT, which prohibits psychological abuse in the workplace by employers or co-workers, ensuring a safe environment for employees, provides protection, civil remedies, and penalties for employers based on revenue.

The Alliance is a group of Rhode Island business leaders, trade associations, and educational institutions who are concerned about seeing the Ocean State ranked at the bottom of national business climate surveys year after year and want to do something about it. We have come together in an unprecedented alliance with a positive, forward-looking vision for our state: to revitalize Rhode Island’s struggling economy and to create broad-based economic growth and opportunity for all Rhode Islanders. Our group’s ambitious goal is nothing short of the wholesale transformation of Rhode Island into a national model of economic competitiveness.

The Alliance is a partnership with Littler Mendelson, PC (“Littler”), the world’s largest labor and employment law practice focused on employers. Littler’s Workplace Policy Institute (“WPI”), the nation’s most powerful and influential government relations and public policy practice group, has played an instrumental role in the Alliance’s strategic direction. We are grateful for their thorough leadership and subject matter expertise on labor and employment legislation such as this.

The Alliance supports voluntary efforts by employers to provide healthy, safe, and respectful workplaces for their employees, such as by offering respectful workplace, conflict resolution, and implicit bias training and by providing access to employee assistance programs (EAPs) like Coastline EAP. The Alliance also supports common sense legislative efforts that make it easier to

do business in Rhode Island. For this reason, the Alliance cannot support a one-size-fits-all employer mandate like H 5132.

As the Honorable Members of the Committee are aware, legislation similar to H 5132 has been introduced during previous legislative sessions. With each new introduction, the bill sponsors have made no attempt to remedy the serious deficiencies that have prevented the bill from passing year after year:

- H 5132 attempts to fill a gap in the law that does not exist. There are already existing laws on the books that provide adequate protection against psychological abuse in the workplace. These laws include the Occupational Safety and Health Act (29 U.S.C. § 615, et seq.), the Division of Occupational Safety Law (R.I. Gen. Laws § 28-20-1, et seq.), the Workers' Compensation Law (R.I. Gen. Laws § 28-32-1, et seq., § 28-33-1, et seq., § 28-34-1, et seq., § 28-35-1, et seq., § 28-36-1, et seq., & § 28-37-1, et seq.), the Rhode Island Fair Employment Practices Act (R.I. Gen. Laws § 28-5-1, et seq.), and the Workplace Violence Protection Act (R.I. Gen. Laws § 28- 52-1, et seq.). H 5132 would confuse and burden employers by imposing burdensome, unnecessary, and confusing new requirements.
- H 5132 requires employers to “monitor” their workplace for potential “incidents of psychological abuse,” however, the bill does not include “monitoring” in the definition section or describe what “monitoring” must look like to comply with the bill.
- H 5132 imposes a “general duty” on employers “to ensure that all employees are treated respectfully and with dignity” without defining either “respectfully” or “dignity.” This will incentivize frivolous litigation by disgruntled employees and creates uncertainty and unpredictability for employers. It will be left to the courts to define these vague, overly broad terms.
- H 5132 continues to impose unclear and broad compliance burdens on employers by implementing reporting requirements. These include requiring employers to report “the number of employee complaints of abusive behavior,” “stress leave rates,” and “investigation rates.” It also requires employers to report demographic data that have nothing to do with alleged “bullying,” such as “workforce gender and racial makeup” and “de-identified wage and salary data by protected category.”
- Several of the remedies in H 5132 that were included in previous versions, including requiring employers to issue “[a]n apology to the complainant employee” and provide “[p]ublic notification of the case outcome,” are inconsistent with our legal system. See Sysco Grand Rapids, LLC v. Nat’l Lab. Rels. Bd., 825 F. App’x 348, 359 (6th Cir. 2020)

“It is foreign to our system to force named individuals to speak prescribed words to attain rehabilitation or to enlighten an assembled audience. . . . Such orders mandate a ‘confession of sins’ and conjure up ‘the system of ‘criticism-self-criticism’ devised by Stalin and adopted by Mao.”) (cleaned up).

If H 5132 is signed into law, Rhode Island will join an exceedingly small minority of states to mandate that employers provide a psychologically safe workplace. Only three states have laws on the books similar to H 5132: California, Washington, and Tennessee.¹ H 5132 will make Rhode Island the only state in the Northeast to impose such an onerous burden on employers. In doing so, H 5132 will negate the Alliance’s ongoing efforts to transform Rhode Island into a national model of economic competitiveness by making neighboring states in the Northeast more attractive.

While its legislative purpose is admirable, H 5132 harms Rhode Island businesses while attempting to fill a gap in the law that does not exist. As stated above, there are already several federal and state laws on the books that protect employees from psychological abuse in the workplace. An employer’s policies and practices can be more protective of employees than what these laws require. While doing nothing to solve the problem of workplace bullying, H 5130 would create new hardships for employers and the Rhode Island judiciary. The confusing and overbroadly language of H 5132 will invite frivolous suits from employees seeking to exploit the vague language of the bill.

Thank you for your time and consideration, and please feel free to contact me to continue this important conversation.

Respectfully submitted by:

Gregory Tumolo

Gregory Tumolo, Executive Director
Rhode Island Business Leaders Alliance

¹ Washington’s law is narrow in scope and only covers hotels, motels, retailers, security guard entities, and property services contractors with one or more employees.