



Reduce harmful work stressors.
Improve job quality and health.

Healthy Work Strategies

Workplace Bullying Prevention Laws and Regulations

International laws and regulations

Europe

There are no European-wide laws specifically focusing on bullying prevention. However, many European countries (Sweden, France, Norway, Denmark, and the Netherlands) include as part of the occupational health and safety laws a provision against workplace bullying, requiring employers to “assess, prevent, and reduce risks to safety and health at work”¹. This has generally been interpreted to encompass every aspect related to work, which includes protection from workplace bullying.

European countries with laws prohibiting bullying in the workplace tend to be more aware of the causes and consequences of workplace bullying, as well as tending to have specific procedures in place of how to deal with workplace harassment, compared to those countries without laws prohibiting bullying.¹

Prosecutors in France have charged the former CEO and six other company executives of the France Telecom company (now renamed Orange) with “moral harassment”, and the trial is currently underway. The company created a “corporate policy aimed at destabilizing their employees and agents by creating a stressful professional climate” in order to get employees to quit due to impending job losses from work restructuring. This resulted in a wave of 35 suicides within a span of two years, and multiple other people unable to work due to severe acute depression. The former executives are now on trial and facing a maximum year in prison and €15,000 fine, while the company is facing a €75,000 fine².

*Australia*¹

In Victoria, Australia, Brodie’s law went into effect in 2011, making serious bullying a crime punishable by up to 10 years in jail. As of 2014, a Fair Work Commission has been established, allowing workers to ask for an investigation into workplace bullying, and if bullying is found, have an order issued to stop the bullying

Canada¹

Several of Canada's provinces have enacted laws within the last decade to address workplace bullying: 2004 Quebec's Act Respecting Labor Standards, Manitoba's 2007 Workplace Safety and Health Regulation; 2010 Ontario Occupational Health and Safety Act (and the amendment in 2016 specifying the code of practice to address workplace harassment); 2013 British Columbia's Occupational Health and Safety laws; and 2014 Saskatchewan Employment Act.

Chile

In 2012, Chile passed an amendment to the Labor Code prohibiting workplace bullying.

South Korea

In July 2019, South Korea's amendment to the Labor Standards Act (LSA) on workplace harassment became effective. The LSA now defines "workplace harassment" and requires an employer to take action upon the reporting of possible workplace harassment or confirmation that such harassment occurred. The employer must also provide in their Rules of Employment a description of preventive measures against workplace harassment and how the employer would respond in case of harassment.

Current laws in the US

In 2014, Tennessee was the first state to pass the Healthy Workplace Bill, providing public agencies with a policy to "assist employers in recognizing and responding to abusive conduct, and preventing retaliation against any reporting employee." The bill outlined a model policy which can be used by the public agencies that included the above described factors, but the agencies are also free to create their own comparable policy. However, in April 2019, the bill was amended so that employers that adopt an anti-bullying policy that conforms to the law will be immune from lawsuits (that is, cannot be sued) if an employee argues that they have suffered "mental anguish" due to the abusive conduct of employees. The bill also added private sector employers to the types of employers covered by the law.

Later in 2014, California passed a state law stating requiring training on workplace abusive conduct, however this law does not include provisions for employers to stop bullying or face any liability for workplace bullying.

Utah passed a Workplace Abusive Conduct Amendment in 2015, which prohibits an employer from retaliation against an employee for reporting "abusive conduct".⁵

North Dakota passed a bill in 2015 requiring each state agency to adopt and enforce a policy regarding employee harassment, which clearly defines employee harassment as

well as responsibilities of employees, employers, and agencies in addressing harassment. Each state agency was free to adopt their own policy, or use the policy created by the North Dakota human resources management services division.

Proposed State Laws in the US

In the last decade, multiple states have introduced the Healthy Workplace Bill (FL-2013⁹, HI- 2013¹⁰, IL - 2014¹¹, LA – 2019¹², ME - 2013¹³, MD-2016¹⁵, MA – 2019¹⁶, MN- 2016¹⁷, MO - 2006¹⁸, MT – 2009²⁰, NV – 2011²¹, NH – 2014 and 2019²², NJ – 2014 and 2019²³, NM – 2014 and 2019²⁴, NY – 2016²⁵, NC - 2019²⁷, OK – 2009 and 2019²⁸, OR - 2019²⁹, PA- 2017 and 2019³⁰, RI – 2019^{31,38}, TX – 2016³², VT – 2016³³, VA – 2016 and 2019³⁴, WA – 2016³⁵, WV – 2019³⁶, WI³⁷), providing protection from workplace bullying for employees, establishing a training program to prevent workplace bullying, and ensuring implementation of the program, as well as a provision protecting employees from retaliation for reporting workplace harassment.

Some states (CT – 2019⁷, IL-2014¹¹) also included provisions requiring reporting of any complaints of workplace bullying. Others (ME – 2019¹⁴, OR - 2019²⁹) have introduced laws prohibiting employers from requiring agreements that prevent an employer or prospective employee from discussing workplace harassment.

Several states (CT- 2019⁸, MO - 2019¹⁹, NY - 2019²⁶, OR – 2019²⁹, RI - 2019^{31,38}) have also introduced legislation providing for a civil legal claim for employees who are victims of workplace bullying. Whereas others (IL-2014¹¹) specify a monetary penalty for failure to comply with anti-bullying legislation.

All states have laws to prevent bullying of children in schools⁴¹. However, only Kansas (KS - 2013⁴²) and Florida (FL - 2018⁴³) also include protections against bullying of school staff.

Proposed Federal Laws in the US

The EMPOWER Act³⁹ introduces provisions prohibiting employers from requiring agreements that prevent an employer or prospective employee from discussing workplace harassment. It also proposes the creation of a confidential tip-line for employers with widespread and systemic workplace harassment. In addition, the act establishes a requirement of transparency with stakeholders and the public regarding any ongoing or past workplace bullying claims.

Another Bill, entitled “Bringing an End to Harassment by Enhancing Accountability and Rejecting Discrimination in the Workplace Act” (BE HEARD in the Workplace Act)⁴⁰ was introduced to congress in 2019. This act contains provisions for training of employees and employers on prevention of workplace harassment, establishing a task force to prevent harassment, and includes provisions for further research into the extent of workplace bullying.

Evaluation of the impact of such Laws

Research is needed to examine the impact of such laws on worker injuries and illnesses, stress, and incidence of bullying.

How are such laws and regulations enacted?

Efforts to pass anti-bullying laws have involved grassroots campaigns in many states. For more details, see: <https://www.healthyworkplacebill.org/about.php>. To learn more about how you can help, see: <https://www.healthyworkplacebill.org/volunteer.php>.

Learn more about the laws in your state

See: <https://healthyworkplacebill.org/>. For more information about workplace bullying, see <https://www.workplacebullying.org/>.

References:

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