SENATE DOCKET, NO. 2484 FILED ON: 1/17/2025

SENATE . . . . . No. 1291

The Commonwealth of Massachusetts

PRESENTED BY:

Nick Collins

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to workplace psychological safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Nick Collins	*First Suffolk*	
Jacob R. Oliveira	*Hampden, Hampshire and Worcester*	*3/26/2025*
Bruce E. Tarr	*First Essex and Middlesex*	*4/3/2025*
William J. Driscoll, Jr.	*Norfolk, Plymouth and Bristol*	*4/9/2025*
James B. Eldridge	*Middlesex and Worcester*	*7/22/2025*

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SENATE . . . . . No. 1291

By Mr. Collins, a petition (accompanied by bill, Senate, No. 1291) of Nick Collins for legislation to implement workplace bullying regulations that include fines for violations. Labor and Workforce Development.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to workplace psychological safety.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Definitions. For the purposes of this section, the following words and phrases shall have the following meanings:

A. “Employee”, any person who renders services to an employer, contractor, or any other entity and receives compensation for those services, including full- and part-time paid employees, temporary employees, contracted employees, and independent contractors.

B. “Employer”, a person or entity of any size who obtains services from a full- or part-time paid employee, temporary employee, contracted employee, or independent contractor and hires at least one employee for any compensation.

C. “Representative employee”, an employee in a leadership, management, or legal position whose responsibility is to advise on, oversee, and/or enforce organizational policies.

SECTION 2. Workplace Bullying Regulation.

A. Workplace bullying shall be unlawful. Workplace bullying is unwelcome, degrading, and dehumanizing conduct that is severe or pervasive enough to create a work environment that a reasonable person would consider toxic, hostile, or abusive. Workplace bullying may be perpetrated by one or more persons. It does not include petty slights, annoyances, and isolated incidents unless serious. Factors to be considered in determining whether workplace bullying exists include but are not limited to the nature, frequency, and duration of the conduct and the context in which the conduct occurs. Workplace bullying is found by a review of the totality of the circumstances.

B. Employers and representative employees shall take all reasonable preventative and responsive measures to provide safe work environments free from bullying by:

a. Acknowledging and responding to complaints of bullying within a reasonable time frame appropriate to the level of urgency;

b. Providing and executing a transparent, timely complaint process that includes a legitimate, fair, fact-finding investigation and the issuance of timely and accurate reports of findings;

c. Providing and executing a transparent disciplinary process according to the severity of the offense within a reasonable time frame, if applicable, including but not limited to: coaching, counseling, a warning, or other disciplinary action, including removal of supervisory duties and/or termination;

d. Maintaining accurate records of complaints, findings, and discipline;

e. Writing, distributing, posting, and otherwise providing a written preventative policy against all forms of bullying, to include an anti-retaliation policy and an identification and description of all reporting methods, consistent with this section and all other laws within 90 days. Such policies shall be distributed to employees on a regular basis.

f. Training all employees on such preventative and reporting policies.

C. It shall be unlawful for an employer or representative employee to:

a. Mandate, offer, or use mediation and/or arbitration of a bullying complaint prior to the employee's retaining of counsel,

b. Mandate, offer, or use a non-disclosure or non-disparagement agreement related to a bullying complaint, and/or

c. Engage in an adverse employment action. An adverse employment action occurs when an employee opposes an unlawful employment practice and/or exercises a right under 1 this section and is then the target of forced resignation, termination, demotion, unfavorable reassignment, failure to promote, disciplinary action, reduction in compensation, constructive discharge, or a similar action.

A violation or violations of any part of this section can be enforced by a private right of action against an individual employee and/or employer in violation of this Act.

SECTION 3. Damages. Complainants who prove a violation of section 2 or any of its subparts shall be entitled to all remedies necessary to make such complainants whole. Remedies shall include but not be limited to:

A. Compensatory damages to include economic (back pay and front pay and/or related medical expenses) and non-economic (pain, suffering, and/or distress);

B. Punitive damages when a violation is extreme and/or egregious;

C. Injunctive relief whereby the court may enjoin the defendant from engaging in the unlawful employment practice and may order any other relief deemed appropriate (reinstatement of work and/or removal of the bullying employee from the complainant's work environment and/or removal of supervisory duties or termination of said employee);

D. Restorative measures (correction of reputational damage including false statements made, the disciplinary record, and/or performance evaluations of the complainant and/or public notification of the case without disclosing the plaintiff's name if desired by the plaintiff).

In instances where the employer violates section 2B(e and/or f), the penalty shall not exceed $100 for each offense.

In all other instances, the complainant shall receive the greater of all damages as identified above or $5,000 per violation of section 2A, 2B, and/or 2C for a maximum of $15,000.

The at-fault party shall pay the plaintiff's reasonable attorneys' fees and costs. A prevailing employer shall not be awarded fees and costs.

SECTION 4. Employee Rights

A. Any person who has a cause of action under the provisions of this Act shall have a period of three (3) years after the last violation of Section 2 of this Act to file said cause of action.

B. A pseudonym can be used in any and all instances at the plaintiff's request.