

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Robyn K. Kennedy

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:

Robyn K. Kennedy

DISTRICT/ADDRESS:

First Worcester

SENATE No.

[Pin Slip]

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:

1 SECTION 1. Section 1 of Chapter 151B of the General Laws, as so appearing in the 2022
2 Official Edition, is hereby amended by inserting after subsection 23, in line 177, the following
3 paragraphs:-

4 24. The term “representative employee” shall mean an employee in a leadership position,
5 management, or legal position whose responsibility it is to advise on, oversee, and/or enforce
6 organizational polices.

7 25. The term “workplace bullying” shall mean unwelcome, degrading and dehumanizing
8 conduct, perpetrated by one or more persons, that is severe or pervasive enough to create a work
9 environment that a reasonable person would consider toxic, hostile, or abusive. It does not
10 include petty slights, annoyances and isolated incidents unless serious.

11 SECTION 2: Section 4 of said chapter 151B is here by amended, by inserting after
12 subsection 19, the following subsection:-

13 20. (a) Workplace Bullying

14 (1) workplace bullying shall be an unlawful practice. Factors to be considered in
15 determining whether workplace bullying exists include but are not limited to: (i) the nature; (ii)
16 frequency; (iii) duration of the conduct; and (iv) the context in which the conduct occurs.
17 Workplace bullying is found by a review of the totality of the circumstances.

18 (2) employers and representative employees shall take all reasonable preventive and
19 responsive measures to provide safe work environments free from bullying by: (i)
20 acknowledging and responding to complaints of bullying within a reasonable time frame
21 appropriate to the level of urgency; (ii) Providing and executing a transparent, timely complaint
22 process that includes a legitimate, fair, fact-finding investigation and the issuance of timely and
23 accurate reports of findings; (iii) Providing and executing a transparent disciplinary process
24 according to the severity of the offense within a reasonable time frame, if applicable, including
25 but not limited to: (A) coaching; (B) counseling; (C) a warning; or (D) other disciplinary action,
26 including removal of supervisory duties and/or termination; (iv) Maintaining accurate records of
27 complaints, findings, and discipline; (v) Writing, distributing, posting, and otherwise providing a
28 written preventative policy against all forms of bullying, to include an anti-retaliation policy and
29 an identification and description of all reporting methods, consistent with this section within 90
30 days. Such policies shall be distributed to employees on a regular basis; and (iv) Training all
31 employees on such preventative and reporting policies.

32 (3) It shall be unlawful for an employer or representative employee to: (i) Mandate, offer,
33 or use mediation and/or arbitration of a bullying complaint prior to the employee's retaining of
34 counsel; (ii) Mandate, offer, or use a non-disclosure or non-disparagement agreement related to a

35 bullying complaint; and (iii) Engage in an adverse employment action. An adverse employment
36 action occurs when an employee opposes an unlawful employment practice and/or exercises a
37 right under 1 this section and is then the target of forced resignation, termination, demotion,
38 unfavorable reassignment, failure to promote, disciplinary action, reduction in compensation,
39 constructive discharge, or a similar action.

40 (4) A violation or violations of any part of this section can be enforced by a private right
41 of action against an individual employee and/or employer in violation of this subsection.

42 (b) Complainants who prove a violation of subsection 20 shall be entitled to all remedies
43 necessary to make such complainants whole.

44 (1) Remedies shall include but not be limited to: (i) Compensatory damages to include
45 economic (back pay and front pay and/or related medical expenses) and non-economic (pain,
46 suffering, and/or distress); (ii) Punitive damages when a violation is extreme and/or egregious;
47 (iii) Injunctive relief whereby the court may enjoin the defendant from engaging in the unlawful
48 employment practice and may order any other relief deemed appropriate (reinstatement of work
49 and/or removal of the bullying employee from the complainant's work environment and/or
50 removal of supervisory duties or termination of said employee); and (iv) Restorative measures
51 (correction of reputational damage including false statements made, the disciplinary record,
52 and/or performance evaluations of the complainant and/or public notification of the case without
53 disclosing the plaintiff's name if desired by the plaintiff).

54 (2) In instances where the employer violates subsection 20, the penalty shall not exceed
55 \$100 for each offense.

56 (3) In all other instances, the complainant shall receive the greater of all damages as
57 identified above or a minimum of \$5,000 per violation and award up to a maximum of \$15,000.

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

60 (c) Any person who has a cause of action under the provisions of this subsection shall
61 have a period of 3 years after the last violation to file said cause of action.

62 (1) A pseudonym can be used in any and all instances at the plaintiff's request.