



New England Convenience Store & Energy Marketers Association

June 9, 2021

Testimony of Brian Moran

Government Affairs Director, New England Convenience Store & Energy Marketers Association

Rhode Island General Assembly
House Labor Committee

**RE: HB 6352 - AN ACT RELATING TO LABOR AND LABOR RELATIONS --
DIGNITY AT WORK ACT**

Madame Chair Williams, First Vice Chair Messier, Second Vice Chair Alzate, and Members of the Committee:

The New England Convenience Store & Energy Marketers Association (NECSEMA) represents Rhode Island's nearly 500 convenience stores and the businesses that supply them, employing approximately 7,200 people.

NECSEMA understands the good intent of the proposed legislation. We believe no one should be subjected to a hostile or abusive workplace environment. Many of our member companies have established policies, training, and grievance procedures to guard employees from these troubling workplace scenarios. As employers, however; we cannot support this bill based on the subjective nature and vague qualifying language and standards presented in the legislation.

NECSEMA members run customer facing businesses that have high employee turn-over, and employees work at-will due to the nature of our business. An employer may only discover allegations of harassment from an employee on the same day the employee resigns or quits, if at all. In this instance, under the definition of "constructive discharge", the employee would be allowed to bring action against the employer for up to three years afterward. It appears unfair that an employer would be liable, when the employer only learned about the alleged conduct the same day the employee quit or resigned or upon receipt of a lawsuit. This standard is overly broad and sets an unreasonable expectation on employers and does not allow time for an employer to investigate any allegations (i.e., there are two sides to every story), have time to intervene, and stop the offensive conduct.

Another example where the bill uses an ambiguous standard is in the definition of the term "harassment". As proposed, what constitutes harassment is determined by "what a reasonable person" would find objectionable. This standard is highly subjective and open for broad interpretation.

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We believe good public policy should have clear guardrails on expectations for employees and employers, and reasonable expectations from both. Otherwise, we are deeply concerned that this bill will not necessarily achieve what it was intended to do, rather it would create an overly litigious approach for a disgruntled employee to assert claims against an employer costing them time, money and reputation among other employees, and within their respective industry.

Thank you for your thoughtful consideration of our positions on this proposed legislation.

Respectfully submitted,

A handwritten signature in blue ink that reads "Brian P. Moran". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Brian P. Moran Director of Government Affairs
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