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Testimony of

Christopher Carlozzi, State Director, National Federation of Independent Business
In Opposition to House Bill No. 6352
Relating to Labor and Labor Relations – Healthy Workplace
June 9, 2021

Chairwoman Williams and Members of the House Committee on Labor:

My name is Christopher Carlozzi. I am the Rhode Island State Director of the National Federation of Independent Business (NFIB). A non-profit, non-partisan organization, NFIB is the nation's and Rhode Island's largest small business advocacy group. In Rhode Island, NFIB represents hundreds of small and independent business owners involved in all types of industry, including manufacturing, retail, wholesale, service, and agriculture. The average NFIB member has five employees and annual gross revenues of about \$450,000. In short, NFIB represents the small Main Street business owners from across the state. On behalf of those small and independent business employers in Rhode Island, I urge you to oppose House Bill No. 6352, regarding so-called workplace bullying.

Proponents of this bill claim that existing discrimination laws do not cover bullying in the workplace and this legislation will remedy the oversight. But this bill is an extreme resolution to a problem that is truly rare in a small workplace. They create a new private cause of action in an already litigious society when similar torts such as intentional infliction of emotional distress and interference with contractual relationships are readily available. And state laws and regulations concerning employment discrimination and harassment are currently utilized and in place.

This bill will lead to baseless accusations and cost business owners time and money dealing with unnecessary lawsuits and may be devastatingly expensive. It could result in actual workplace incidents being overlooked due to the sheer volume of cases that may arise from the vague and interpretive language in this bill. Some of the language is subjective, like impacts on a worker's "self-esteem" or "repeated reminders of past mistakes". One of the criteria for harassment to be actionable says it has to "disturb the emotional tranquility in the workplace", which can also be interpreted to varying degrees. The bill references "excessive supervision" and "unwarranted monitoring". Does this mean an employee handling money or sensitive information is prohibited from being monitored by supervisors? What constitutes excessive? Unwarranted? Aside from allowing the supposedly bullied individual to sue the so-called aggressor, the bill would make the business owner accountable as well, whether-or-not the owner had prior knowledge of the situation. The party filing the claim can also seek damages, including punitive damages, for lost wages, emotional distress, and other claims of injury.

This bill is needless and meddlesome legislation that will only lead to more litigation, increased frivolous lawsuits, and higher costs for the state's small businesses. House Bill No. 6352 will end up hurting both workers and employers, likely resulting in an overly hostile work environment. The only group who may reap the benefits of this bill are the trial lawyers, creating a cottage industry for these types of workplace-related lawsuits. The legislation presumes that an employee was treated unfairly and places the burden of proof on employers to demonstrate a worker was not considered "bullied" under the very wide range of definitions allowed in this bill. Its vague language leaves employers with more risk and at a legal disadvantage, where the costs of litigation and defense mean the small business owner is a financial loser the moment the lawsuit is filed.

I strongly urge you to reject House Bill No. 6352, an extremely punitive proposal that will negatively impact struggling Rhode Island small businesses. Thank you.