March 4, 2026

Honorable John P. Burke
Chairman, Senate Labor and Gaming Committee
Rhode Island State House
82 Smith Street
Providence, RI 02903

RE: S 2502 - RELATING TO LABOR AND LABOR RELATIONS -- WORKPLACE PSYCHOLOGICAL SAFETY ACT - OPPOSE

Dear Chairman Burke:

As the Executive Director of Rhode Island Business Leaders Alliance (the "Alliance"), I am grateful for the opportunity to provide the House Labor Committee with this written testimony in response to S 2502 - RELATING TO LABOR AND LABOR RELATIONS -- WORKPLACE PSYCHOLOGICAL SAFETY ACT, which prohibits psychological abuse in the workplace by employers or co-workers, ensuring a safe environment for employees, provides protection, civil remedies, and penalties for employers based on revenue.

The Alliance supports voluntary efforts by employers to provide healthy and safe workplaces for their employees, such as by offering conflict resolution training and by providing access to employee assistance programs (EAPs). The Alliance also supports common sense legislative efforts that make it easier to do business in Rhode Island. For this reason, the Alliance cannot support a one-size-fits-all employer mandate like S 2502.

As you are aware, legislation similar to S 2502 has been introduced during previous legislative sessions. With each new introduction, the bill sponsors have made no attempt to remedy the serious deficiencies that have prevented the bill from passing year after year:

- S 2502 attempts to fill a gap in the law that does not exist. There are already existing laws on the books that provide adequate protection against psychological abuse in the workplace. These laws include the Occupational Safety and Health Act (29 U.S.C. § 615, et seq.), the Division of Occupational Safety Law (R.I. Gen. Laws § 28-20-1, et seq.), the Workers' Compensation Law (R.I. Gen. Laws § 28-32-1, et seq., § 28-33-1, et seq., § 28-34-1, et seq., § 28-35-1, et seq., § 28-36-1, et seq., & § 28-37-1, et seq.), the Rhode

Island Fair Employment Practices Act (R.I. Gen. Laws § 28-5-1, et seq.), and the Workplace Violence Protection Act (R.I. Gen. Laws § 28- 52-1, et seq.). H 7121 would confuse employers by imposing burdensome, unnecessary, and confusing new requirements.

- S 2502 requires employers to "monitor" their workplace for potential "incidents of psychological abuse," however, the bill does not include "monitoring" in the definition section or describe what "monitoring" must look like to comply with the bill.

- S 2502 imposes a "general duty" on employers "to ensure that all employees are treated respectfully and with dignity" without defining either "respectfully" or "dignity." This will incentivize frivolous litigation by disgruntled employees and creates uncertainty and unpredictability for employers. It will be left to the courts to define these vague, overly broad terms.

- S 2502 continues to impose unclear and broad compliance burdens on employers by implementing reporting requirements. These include requiring employers to report "the number of employee complaints of abusive behavior," "stress leave rates," and "investigation rates." It also requires employers to report demographic data that have nothing to do with alleged "bullying," such as "workforce gender and racial makeup" and "de-identified wage and salary data by protected category."

- Several of the remedies in S 2502 that were included in previous versions, including requiring employers to issue "[a]n apology to the complainant employee" and provide "[p]ublic notification of the case outcome," are inconsistent with our legal system. See Sysco Grand Rapids, LLC v. Nat'l Lab. Rels. Bd., 825 F. App'x 348, 359 (6th Cir. 2020) ("It is foreign to our system to force named individuals to speak prescribed words to attain rehabilitation or to enlighten an assembled audience. . . . Such orders mandate a 'confession of sins' and conjure up 'the system of 'criticism-self-criticism' devised by Stalin and adopted by Mao.") (cleaned up).

If S 2502 is signed into law, Rhode Island will join an exceedingly small minority of states to mandate that employers provide some form of psychological safety in the workplace. Only three states have laws on the books regarding abusive conduct prevention in the workplace:

California,[1] Tennessee,[2] and Washington.[3] S 2502 goes far beyond these relatively modest attempts to promote respectful workplaces in that:

- It imposes a "general duty" on employers to provide a "safe work environment" that is "free from all forms of abuse, including psychological abuse." The bill sponsors' use of the term "general duty" is likely intentional, modeled after the "general duty" clause of the federal Occupational Safety and Health Act. The OSH Act's "general duty" clause is one of the highest legal duties in the law.

- It goes far beyond policies and annual training to make it an unlawful employment practice for any employer or employee to engage in "psychological abuse" of another employee that creates a "toxic work environment." S 2502 creates a private right of action with a three (3) year statute of limitations and a broad range of remedies for aggrieved employees who feel that they have been subjected to "psychological abuse" or work in a "toxic work environment." S 2502 empowers disgruntled current and former employees to sue managers, supervisors, and co-workers in their individual capacities, resulting in significant disruptions to the workplace.

- It states that managing conduct or performance issues of an employee will not constitute "psychological abuse" if done with "just cause and conducted in a progressive disciplinary manner in compliance with policies and laws." Most employees in Rhode Island are employed on an at-will basis. This means that the employer or the employee is free to end the relationship at any time, for any reason, with or without cause. S 2502 fundamentally alters the at-will nature of the employment relationship by requiring employers to have "just cause" when imposing performance management or disciplinary action. Further, it appears to require a written progressive discipline policy as a precondition to imposing disciplinary action.

- It deprives employers of the ability to manage their workplaces as they see fit. S 2502 states that it is not "psychological abuse" for an employer to temporarily assign additional duties to an employee "to ensure continuity of services." (Emphasis added.) This leaves open the possibility that a permanent assignment of additional duties due to changing economic conditions could be considered "psychological abuse" and subject the employer to liability. If an employee is at-will, they are free to leave their job at any time,

[1] California's Fair Employment and Housing Act ("FEHA") requires covered employers to provide at least classroom or effective interactive training to employees regarding sexual harassment. The training for managers and supervisors must cover the prevention of "abusive conduct" in the workplace.

[2] Tennessee's Healthy Workplace Act provides immunity from liability to private employers that adopt abusive conduct prevention policies that meet certain statutory requirements.

[3] Washington's law is narrow in scope and only covers home care agencies. Like the laws of California and Tennessee, it requires covered employers to adopt a written policy regarding abusive conduct.

for any reason, and with or without cause–including in response to increased workplace demands.

- It imposes burdensome new compliance requirements on covered employers, including adoption and implementation of new workplace policies to prevent "psychological abuse"; training for all managers and supervisors on how to respond to complaints; posting of employee rights under the law on the company's website, bulletin boards, job descriptions, and promotional materials; implementation of a comprehensive investigatory procedure to respond to complaints; annual anonymous workplace climate surveys, with the results to be submitted to the federal Occupational Safety and Health Administration ("OSHA") and the Rhode Island Department of Labor and Training; and annual reporting of the number of employee complaints of abusive behavior, workers' compensation claims, absenteeism rates, "stress leave" rates, attrition rates, discrimination complaints, investigation rates, investigation follow-up actions, and employee demographic data.

- It exposes employers–including employers acting in good faith–to potentially irreparable reputational harm. If a disgruntled current or former employee establishes a violation under S 2502's vague and overly broad text, the violation becomes a matter of public record. As part of the "make whole" relief available to the prevailing plaintiff is the following: "Public notification of the case outcome without disclosing the plaintiff's name, if desired by the plaintiff." Additionally, violations reported to the Rhode Island Department of Labor and Training would be made available in response to Freedom of Information Act requests.

If S 2502 is signed into law, Rhode Island will become the only state in the country to impose such an onerous compliance burden on employers. In doing so, S 2502 will negate the Alliance's ongoing efforts to transform Rhode Island into a national model of economic competitiveness by making neighboring states in the Northeast more attractive.

While its legislative purpose is admirable, S 2502 imposes significant harm on Rhode Island businesses while attempting to fill a gap in the law that does not exist. As stated above, there are already several federal and state laws on the books that protect employees from psychological abuse in the workplace. An employer's policies and practices can be more protective of employees than what these laws require. While doing nothing to solve the problem of workplace bullying, S 2502 would create significant new hardships for employers and the Rhode Island judiciary. The vague, overly broad, and unduly burdensome language of S 2502 will invite a flood of frivolous suits from employees seeking to exploit the provisions of the law.

Thank you for your time and consideration, and please feel free to contact me to continue this important conversation.

Respectfully submitted by:

Gregory Tumolo

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CC: Members of the Senate Labor and Gaming Committee