



March 4, 2026

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

RE: S2502 - AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKPLACE PSYCHOLOGICAL SAFETY ACT

Dear Chairman Burke and Honorable Members of the Committee:

As the Executive Director of Rhode Island Business Leaders Alliance (the “Alliance”), I am grateful for the opportunity to provide the Senate Labor and Gaming Committee with this written testimony in response to S2502 - AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKPLACE PSYCHOLOGICAL SAFETY ACT, which would establish the Workplace Psychological Safety Act to provide protection for employees from workplace psychological abuse (bullying) by requiring employers and representative employees to take all reasonable steps to prevent workplace bullying and respond appropriately thereto. S2502 would also provide a cause of action for employees to pursue injunctive relief and/or actual and punitive damages.

The Alliance supports voluntary efforts by Rhode Island employers to provide healthy, safe, and productive workplaces for their employees, such as by offering conflict resolution training and by providing access to employee assistance programs (EAPs). The Alliance also supports commonsense legislative efforts that make it easier to do business in Rhode Island. For this reason, the Alliance cannot support a broad new employer mandate like S2502. The Alliance opposes S2502 for the following reasons:

**S2502’s Definition of “Workplace Bullying” is Vague, Overly Broad, and Subjective**

If signed into law, S2502 would make “workplace bullying” unlawful in Rhode Island. S2502 defines “workplace bullying” as “unwelcome, degrading, and dehumanizing conduct, that is severe or pervasive enough to create a work environment that a reasonable person would

consider threatening, hostile, or abusive and that unreasonably interferes with the target’s ability to perform job duties.”

S2502 attempts to clarify the scope of what constitutes unlawful “workplace bullying” by including numerous examples of conduct that may constitute “workplace bullying” if sufficiently severe or pervasive. These examples include the following:

- “consistent ignoring or ostracism”
- “persistent hypercriticism”
- “excessive monitoring”
- “unreasonable workloads”
- “impossible deadlines”
- “removal of major responsibilities”

As you can see, the above examples are entirely subjective in nature. What is “consistent,” “persistent,” “excessive,” “unreasonable,” or “impossible” to an employee may be interpreted entirely differently by the employee’s supervisor—particularly if the supervisor is attempting to manage a difficult employee who is resistant to coaching, counseling, and constructive feedback.

By defining “workplace bullying” in a manner that is untethered to objective, measurable standards of conduct and job performance, S2502 would transform routine workplace discussions about inappropriate conduct, poor performance, shifting roles and responsibilities, and workload allocation into a legal minefield for Rhode Island employers.

Rhode Island employers need clear, predictable, measurable, and objective standards to operate effectively—not vague, ill-defined, overly broad, and subjective employer mandates. S2502’s definition of “workplace bullying” is expansive enough that nearly any workplace disagreement or dispute over supervision, workloads, deadlines, and scope of job responsibilities or any personality conflict between an employee and their supervisor could become a litigation risk.

### **S2502 Creates Significant New Compliance Burdens for Employers**

In addition to its vague and overly broad standard of what constitutes “workplace bullying,” S2502 would impose extensive new compliance obligations on employers, mandating that employers:

- Acknowledge and respond to complaints of workplace bullying within a “reasonable timeframe.”
- Provide and execute a transparent, timely complaint process for reporting workplace bullying.

- Conduct “legitimate, fair” fact-finding investigations and issue “timely and accurate” reports of investigatory findings.
- Fundamentally alter the at-will nature of employment in Rhode Island by requiring employers to implement a progressive disciplinary process “according to the severity of the offense.”
- Maintain detailed written records of all complaints of workplace bullying, investigatory findings, and disciplinary actions taken.
- Develop, distribute, and post a workplace bullying prevention policy.
- Provide ongoing training on workplace bullying prevention to all employers.

For large employers, these compliance mandates may require new HR staffing; development or updating of existing policies, procedures, and training programs; and the creation of new administrative infrastructure for tracking workplace bullying complaints and investigations. For small and mid-sized employers—those with as few as fifteen (15) employees—the compliance burden would simply be unmanageable.

Bear in mind that S2502 would impose these new compliance burdens to prevent conduct that is not based on an individual’s membership in a legally protected class or classes. S2502’s requirements exceed those imposed by federal anti-discrimination laws such as Title VII of the Civil Rights Act of 1964 and the Rhode Island Fair Employment Practices Act, creating a new regulatory regime that is more complex and onerous than any existing workplace standard intended to combat unlawful discrimination, harassment, and retaliation.

### **S2502 Creates a Private Right of Action With Extraordinary Remedies**

S2502 establishes a private right of action, allowing disgruntled employees who believe that they have been subjected to “workplace bullying” under S2502’s vague, overly broad, and subjective standard to obtain:

- Compensatory damages, including back pay, front pay, medical expenses, and damages for pain and suffering and emotional distress.
- Punitive damages when the “workplace bullying” is “extreme and/or outrageous.” It is unclear whether the “extreme and/or outrageous” standard is measured subjectively or objectively.
- Injunctive relief, including reinstatement, removal of the “workplace bully” from the plaintiff’s work environment, and/or removal of supervisory duties over the plaintiff or termination of employment. Such injunctive relief would represent an unprecedented intrusion into the business affairs of private employers, essentially allowing judges to direct employers whom they should terminate or reassign.

- “Restorative measures” to correct reputational harm to the plaintiff and correct the plaintiff’s disciplinary record and/or performance evaluations. “Restorative measures” also include public notification regarding the outcome of the litigation.

Plaintiffs would be able to assert claims against individual employees as well as employers. Notably, Title VII of the Civil Rights Act of 1964 and the Rhode Island Fair Employment Practices Act do not allow for individual liability. Accordingly, H2502 would create a bizarre result—perpetrators of “workplace bullying” that is not based on an individual’s membership in a legally protected class or classes would be treated more harshly than those who engage in unlawful discrimination, harassment, or retaliation under federal and state EEO laws.

By creating a private right of action with substantial remedies and the opportunity for plaintiffs to pursue individual liability, S2520 will undoubtedly incentivize frivolous litigation. Disgruntled employees with an axe to grind will choose to pursue relief through litigation rather than pursue informal dispute resolution opportunities made available in the workplace. Additionally, the three-year statute of limitations will create ongoing uncertainty and exposure for Rhode Island employers long after a problem employee has been terminated or a workplace dispute has been resolved.

### **S2502 Infringes on the Contractual Rights of Employers**

S2502 goes far beyond declaring “workplace bullying” unlawful and creating a private right of action with sweeping new remedies. It prohibits employers from entering into the following types of contracts:

- mandatory arbitration agreements
- non-disclosure agreements
- non-disparagement agreements

These contractual tools are common, lawful mechanisms for resolving workplace disputes efficiently and privately. S2502 would eliminate proven processes that reduce cost, accelerate dispute resolution, and protect the confidentiality of employers and employees.

### **S2502 Will Have a “Chilling” Effect on Rhode Island Workplaces**

As stated above, the Alliance supports voluntary efforts to foster healthy and safe workplaces characterized by open, honest, and direct communication and informal conflict resolution. However, S2502 risks producing outcomes that its sponsors may not have intended. More specifically, S2502 will have a “chilling” effect on supervisors and managers seeking to address conduct and performance issues with their direct reports.

Supervisors may refrain from delivering constructive feedback to direct reports for fear that their feedback will be perceived as “persistent hypercriticism” and subject them to personal liability for “workplace bullying.” Managers who are accused of “excessive monitoring” may choose to turn a blind eye to ongoing conduct or performance issues that could harm the employer’s business or result in legal liability under other laws. Employers navigating economic headwinds such as persistent inflation, shifting tariffs, and supply chain disruptions may not have the agility that they need to survive and thrive, as they will need to second-guess every decision about deadlines, workloads, and roles and responsibilities due to the looming threat of a costly and disruptive “workplace bullying” suit.

### **Conclusion**

For all of the above reasons, the Rhode Island Business Leaders Alliance respectfully urges the Committee to reject this ill-conceived piece of legislation.

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

Respectfully submitted by:

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