
A BILL FOR AN ACT

RELATING TO WORKPLACE PRACTICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that healthy and
2 productive employees are the cornerstones of successful
3 businesses and a prosperous economy. Unfortunately, many
4 employees are subjected to unhealthy, abusive work environments
5 where workplace bullying, abuse, and harassment are prevalent
6 occurrences. As a result, these employees may experience
7 physical and psychological harm, which negatively impacts job
8 performance and job safety, often manifesting in injuries and
9 illnesses. The National Institute for Occupational Safety and
10 Health recognizes general harassment, including workplace
11 bullying, as a form of workplace violence.

12 Workplace bullying has been defined by the National
13 Institute for Occupational Safety and Health as the repeated
14 intimidation, slandering, social isolation, or humiliation by
15 one or more persons against another. Congress has found that
16 employee injuries and illness that arise out of work situations
17 impose a substantial burden on businesses. The legislature
18 further finds that many employers have policies in place to



1 address such problems in the workplace, but employees may be
2 unaware of their resources when faced with an abusive workplace
3 environment.

4 Accordingly, the purpose of this Act is to require public
5 employers to post notices in their offices to better inform
6 employees of what abusive conduct is and what redress is
7 available to those suffering from such abuse.

8 SECTION 2. Chapter 78, Hawaii Revised Statutes, is amended
9 by adding a new section to be appropriately designated and to
10 read as follows:

11 "§78- Abusive conduct in the workplace; posting;
12 requirements. (a) Every employer shall post and keep posted in
13 a conspicuous place in the workplace that is readily accessible
14 to employees a poster no smaller than eight and one-half inches
15 by eleven inches in size that includes:

16 (1) A description of conduct that qualifies as abusive
17 conduct;

18 (2) An explanation of the remedies available to an
19 employee who is experiencing abusive conduct in the
20 workplace; and

21 (3) The actions necessary for an employee to take to
22 pursue those remedies, including the contact



1 information of the primary person responsible for
2 handling complaints of alleged abusive conduct in the
3 workplace, and for an alternative contact in cases
4 where the primary person is the perpetrator of the
5 alleged abusive conduct.

6 (b) As used in this section:

7 "Abusive conduct" means:

- 8 (1) Conduct of an employer or employee in the workplace
9 that a reasonable person would find hostile,
10 threatening, humiliating, intimidating, or offensive;
11 (2) Subjection of an employee by the employee's employer
12 to an abusive work environment; or
13 (3) Retaliation in any manner against an employee because
14 the employee filed a complaint, testified, assisted,
15 or participated in any manner in an investigation or
16 proceeding relating to abusive conduct or abusive work
17 environment, including internal proceedings,
18 arbitration or mediation proceedings, and legal
19 actions.

20 Abusive conduct includes repeated infliction of:

- 21 (1) Verbal abuse, such as the use of derogatory remarks,
22 insults, and epithets;



- 1 (2) Verbal or physical conduct that a reasonable person
2 would find hostile, threatening, humiliating,
3 intimidating, or offensive;
- 4 (3) Sabotage or undermining of a person's work
5 performance; or
- 6 (4) Interference with subsequent work opportunities by
7 defamatory evaluation.

8 A single act normally may constitute abusive conduct if the act
9 is especially severe and egregious; provided that the severity,
10 nature, and frequency of any conduct objected to shall be
11 considered in determining whether acts constitute abusive
12 conduct.

13 "Abusive work environment" means a workplace where an
14 employee is subjected to abusive conduct that is so severe that
15 it causes physical or psychological harm to the employee.

16 "Conduct" means all forms of behavior, including acts and
17 omissions of acts.

18 "Employee" means any public employee of the State or any
19 county, and the political subdivisions and agencies thereof, any
20 employees under contract with the State or county, any civil
21 service employees, and any probationary or provisional employees
22 of the State or county."



1 SECTION 3. New statutory material is underscored.

2 SECTION 4. This Act shall take effect on July 1, 2014



Report Title:

Abusive Work Environment; Public Employment

Description:

Requires public employers to post a poster with information describing what actions constitute abusive conduct in the workplace and what redress is available to public employees experiencing abusive conduct in the workplace. (HB272 HD1)

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