



# HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002

(207) 287-1400

TTY: (207) 287-4469

## **Sara Gideon**

37 South Freeport Road

Freeport, ME 04032

Cell Phone: (207) 865-9593

E-Mail: saragideon106@gmail.com

State House E-Mail:

RepSara.Gideon@legislature.maine.gov

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### **Testimony of Rep. Sara Gideon in Support of LD 1201, An Act to Protect Employees from Abusive Work Environments**

Senator Patrick, Representative Herbig and Honorable Members of the Labor, Commerce, Research and Development Committee. I am Representative Sara Gideon, serving the people of District 106 in Freeport and Pownal. Today, I come before you to present LD 1201, An Act to Protect Employees from Abusive Work Environments.

Abuse in the workplace is the malicious, repeated, health harming mistreatment of individuals at their place of work. It could take place in the form of verbal abuse, threats, humiliation, intimidation, work sabotage or the exploitation of a known vulnerability. At the end of the day, when abuse is present, work does not get done, employer productivity is adversely affected and employees' health is harmed.

Current discrimination and harassment laws rarely address bullying concerns. In fact, current laws are "status" based in that the target of bullying must be a member of a protected status group in order for the harassment to be illegal. This is true whether you are considering the law in the context of courtroom litigation or the Maine Human Rights Commission.

The goal of this bill is to encourage employers to create policies which will discourage bullying, and or which will immediately address when bullying occurs. If this does not happen as intended, then it also creates an opportunity for workers to pursue a legal path.

Here is a snapshot of what this law will and will not do:

#### **For employers, it will:**

- Precisely define an abusive work environment, creating a high standard for misconduct.
- Require evidence of health harm.
- Protects conscientious employers from vicarious liability risk if internal correction and prevention procedures are practiced.
- Gives employers a reason to terminate or sanction offenders.

**For workers, it will:**

- Provide an avenue for legal redress for health harming cruelty at work
- Allow for bringing a suit against the abuse or liable employer, if they are neglectful.
- Allows for restoration of lost wages and benefits
- Encourages employers to prevent and correct future instances.
- Plugs the gaps in current state and federal civil rights protections.

**The bill does not:**

- Involve state agencies to enforce any provisions of the law.
- Punish good, ethical, abuse-intolerant employers.
- Supersede workers comp laws or bargaining agreements.
- Incur costs for adopting states

Dr. Lowell Gerber, my constituent for whom I brought forward this bill, has treated a number of people who have been the victims of abuse in the work environment. Having seen first hand how this affects people's lives, he hopes very much that you will consider how this bill might improve the workplace. He will be testifying after me to give you some more detailed information on this.

Thank you for your time and attention today.