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Testimony IN SUPPORT of HB 2200
Before the House Committee on Federal and State Affairs
Submitted by: Rebecca Proctor
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Chairman Barker and Members of the Committee:

My name is Rebecca Proctor. I am Executive Director of the Kansas Organization of State Employees (KOSE). KOSE is a public employee union representing over 8,000 executive branch state employees. There are KOSE-covered employees in every single county and every single legislative district. On behalf of those employees, I encourage your support of HB 2200.

In 2013, the Kansas legislature passed HB 2222. That bill required all Kansas school districts to adopt anti-bullying policies (covering parent-to-staff bullying, staff-to-staff bullying, staff-to-student bullying, and student-to-student bullying). Later that year, I transitioned from serving as KOSE's legal counsel to serving as KOSE's Executive Director. In the four years since, one thing has been constant: workplace bullying is the single largest driver of calls to the KOSE office by state employees. Many of those employees don't characterize the problem as bullying. Instead, they say, "I have a hostile work environment."

I am an attorney by trade. From a legal perspective, hostile work environment has a very specific meaning, and relates to discrimination or harassment based on an employee's membership in a protected class (age, sex, race, national origin, etc). Upon further questioning, it becomes apparent most of these employees are not experiencing legally actionable hostile work environment harassment. Instead, they are being bullied. For context, we are not talking about good-natured joking or teasing. We are talking about systematic destruction of the employee's work environment: taking away key parts of the job the employee enjoys, hypercritical evaluation of the employee's work without basis in established criteria or milestones, openly criticizing or mocking the employee in front of other employees. This type of conduct is not good-natured, and it is no joke.

Forbes Magazine has, for the last several years, published regular articles about the prevalence of workplace bullying. In June 2014, Forbes interviewed David Maxfield, a researcher who has been studying corporate culture since the 1980's. The interview focused on a study Mr. Maxfield conducted regarding workplace bullying. The study revealed that most cases of workplace bullying continue for years. 89% of bullies have been bullying for more than a year, and 54% for more than five years. 80% of the bullies studied bullied five or more people. Although workplace bullying can take many forms, those Maxfield surveyed indicated that 62% saw bullying in the form of sabotaging an employee's work and 52% saw bullying in the form of

browbeating, threats, or intimidation. This conduct impacts the employer's bottom line. 20% of study respondents reported workplace bullying costs them seven hours per week or more in work and productivity costs. An update published in Forbes during 2016 reported 75% of employees experience or witness workplace bullying.

The most discouraging fact about workplace bullying? Studies have found 72% of employers deny, discount, encourage, rationalize or defend workplace bullying.

KOSE has conducted its own, Kansas-based workplace bullying surveys. In our statewide survey, 69% of employees said they personally had been bullied at work within the last three months. Another 78% said they had witnessed someone else being bullied at work within the last three months.

In December, employees from Larned State Hospital testified before the Special Committee on State Hospitals. As part of their testimony, they shared anecdotes about the prevalence of workplace bullying. The Committee recommended KDADs explore a workplace bullying policy. To assist in discussions with the agency, KOSE conducted a workplace bullying survey specific to Larned State Hospital. 77.6% of those employees reported they had witnessed bullying at Larned State Hospital within the past two years. Despite these results, the agency still contends existing policies are sufficient to address workplace bullying.

This bill does not create a legal cause of action for workplace bullying. It simply states each agency must adopt an anti-workplace bullying policy. Over the past few years, we have heard a lot about the need to "modernize" the state's personnel policies. An important part of this "modernization" should be the adoption of anti-workplace bullying policies. According to a Society of Human Resource Management survey, by 2011 56% of companies had already adopted anti-bullying policies. The fact that many entities (both public and private) have recognized the high cost of workplace bullying, in terms of employee turnover, absenteeism, and lost productivity can be seen by the wide online availability of sample anti-workplace bullying policies. These policies examples from both respected organizations such as the American Bar Association and the Society for Human Resource Management.

A column in the Society for Human Resource Management's September 24, 2014 issue stated, "workplace bullying occurs as often as it does because such behaviors are ignored, tolerated, misunderstood or instigated by the company." Having a policy in place is the first step towards combatting workplace bullying. It's time the State take an affirmative step to create dignity and respect in the workplace through adoption of anti-workplace bullying policies. Please take that step, add a true modernization to our State's personnel policies, and support HB 2200.