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HOUSE JOINT RESOLUTION NO. 87

Offered January 8, 2014

Prefiled January 7, 2014

Requesting the Department of Labor and Industry to study violence and bullying in the workplace. Report.

Patron—McClellan

Referred to Committee on Rules

WHEREAS, in response to an increase in reported instances of violence in workplaces in the country, the 2000 Session of the General Assembly enacted House Joint Resolution 47, which requested the Department of Labor and Industry to study workplace violence in the Commonwealth, including the causes of workplace violence generally, and to investigate and suggest strategies for assuring worker safety; and

WHEREAS, the Department of Labor and Industry, in its report submitted in December 2000 pursuant to House Joint Resolution 47, found that the threat of workplace violence against employees of the Commonwealth is significant, the cost associated with workplace violence is substantial, and action by the Commonwealth to reduce the risk and occurrence of workplace violence is warranted; and

WHEREAS, the passage of 14 years since the study pursuant to House Joint Resolution 47 warrants reexamination of the issues addressed in the report, which is available as House Document 19 of 2001, including a review of the implementation of the recommendations in the report and their effectiveness; and

WHEREAS, while the study conducted pursuant to House Joint Resolution 47 provides valuable information regarding the safety of state employees in their workplaces, workplace violence is an issue that also affects private sector employment; and

WHEREAS, bullying in the workplace may have widespread prevalence, as noted by a prevalence study of U.S. workers conducted in 2006 by Schat, Frone & Kelloway which found that 41.4 percent of respondents reported experiencing psychological aggression at work in the previous year; and

WHEREAS, workplace bullying that does not rise to the level of assault or battery, or does not constitute harassment of a type prohibited by nondiscrimination laws, is generally not actionable, despite the risk that targets of bullying will experience significant physical and mental health problems; and

WHEREAS, the General Assembly, with the enactment of House Bill 1871 in the 2013 Session, requires school boards to include in their codes of student conduct policies and procedures that include a prohibition against bullying and requires the Board of Education to develop model policies and procedures and school boards to adopt policies and procedures to educate school board employees about bullying and the need to create a bully-free environment; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Labor and Industry be requested to study to study violence and bullying in the Commonwealth. The Department of Labor and Industry shall (i) update its study of workplace violence in the Commonwealth conducted pursuant to House Joint Resolution 47 (2000), (ii) expand the scope of this earlier study to address violence and bullying in both public and private workplaces in the Commonwealth, and (iii) in its examination of bullying, utilize the definition of the term that is set out in § 22.1-276.01 of the Code of Virginia.

In conducting its study, the Department of Labor and Industry shall examine the causes of workplace violence and bullying generally and investigate and suggest strategies for assuring worker safety and reducing bullying in the workplace. The Department of Labor and Industry shall make recommendations concerning the possible methods of reducing the risk of the occurrence of violence and bullying in public and private workplaces in the Commonwealth.

All agencies of the Commonwealth shall provide assistance to the Department of Labor and Industry for this study, upon request.

The Department of Labor and Industry shall complete its meetings by November 30, 2014, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2015 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

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