

Testimony of Candace L. Ayars, PhD

Proponent of HB 2151

Mr. Chairman, members of the Committee, my name is Dr. Candace Ayars and I'm from Topeka. I am speaking here today in favor of House Bill 2151. I have a doctoral degree in Community Health Science and completed a postdoctoral research fellowship at Baylor College of Medicine and I was a victim of workplace bullying at a Kansas state agency. I belong to a large group of individuals who have experienced and witnessed workplace bullying firsthand --- 49% of Americans. And, like 72% of identified bullies, my bully was a supervisor.

As a result of my bullying experience, I suffered from aggravated hypertension, severe weight gain, and anxiety, leading to stress-related headaches that were often severe. My family doctor advised me to quit. However, my work for the state of Kansas was very important to me and I had trained my entire adult life for it. I continued to stay in my job with help from a psychological counselor at my personal expense. But, like 25% of targets, I was eventually terminated after reporting the bullying to Human Resources. Later, I learned that this is effective in correcting the bullying behavior in less than 5% of cases, and most often results in the termination of the target. This happened in spite of the fact that my supervisor had been repeatedly reported for similar behavior by other employees.

There is now a large body of research about workplace bullying and its effects both on employees and the workplaces in which it occurs. Employees pay for bullying through impairment of both mental and physical health, job loss, and career damage, but employers pay in other ways. Employers who allow bullies to harm others with impunity can incur expenses related to turnover, lost opportunity costs, absenteeism, presenteeism, dispute resolution, settlements, and workman's compensation investigations. Typically it costs 1.5 times the salary of a position to hire a replacement for an employee who is driven out due to bullying. In my case, my supervisor had a 19% ongoing vacancy rate with over 1/3 of those positions being direct reports, requiring the most experience, knowledge, and salary allocations. Replacement of these individuals (including myself) in this one bureau at one agency cost the state of Kansas in excess of \$375,000. The efforts required to address bullying in the workplace are far outweighed by the costs of failing to acknowledge and prevent bullying.

February 17, 2015

You may be wondering why a law is needed to correct this. Bullying in the workplace is legal. A hostile work environment is actionable in less than 20% of circumstances. Bullying is not covered by federal employment discrimination laws and it does not fall under current workplace violence protections. And, if statements of vision, mission, values, ethics, and conflict-free work zones were taken seriously by agency Secretaries, Bureau Directors, and Human Resources, we would not be experiencing any workplace bullying. Sadly, as my experience attests, this is not the case.

Since employers set all conditions of employment, including allowing a bully-prone environment, it is only the employer (in this case the state of Kansas) who can stop bullying. When bullies are not punished, it is tacit approval of the abuse, allowing it to flourish.

Many supervisors want to address bullying, but don't know how. A good law gives incentives and support to supervisors to do the right thing. In cases where supervisors intentionally or unintentionally turn a blind eye to workplace bullying, a law provides a means for employees to seek internal and external redress.

There is no federal law or bill currently under consideration related to workplace bullying. There are 27 states and 2 U. S. Territories (including Kansas) that have tried to enact legislation related to prevention of workplace bullying. No comprehensive Healthy Workplace Bill has been passed to date, but 1 state has mandated training for employers with greater than 50 employees for prevention of "abusive conduct". While a start, this is insufficient to deter workplace bullying. Training can make supervisors aware of abusive misconduct, but it is not effective when there are no procedures or policies in place to deal with the misconduct.

With House Bill 2151, Kansas has an opportunity to be a national leader in recognizing and preventing this particular form of abuse. I therefore urge you to pass House Bill 2151.

Thank you for allowing me to speak with you this afternoon.