

House Bill 391

By: Representatives Thomas of the 65th, Holly of the 111th, Mainor of the 56th, Bruce of the 61st, Jackson of the 128th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to labor and industrial relations, so as to require employers to
3 develop, implement, and periodically review policies against bullying in the workplace; to
4 provide for definitions; to require employee training; to provide for related matters; to
5 provide for an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general
9 provisions relative to labor and industrial relations, is amended by adding a new Code section
10 to read as follows:

11 "34-1-11.

12 (a) As used in this Code section, the term:

13 (1) 'Bullied employee' means an employee subjected to bullying.

14 (2) 'Bullying' means malicious and intentional verbal or nonverbal conduct that:

15 (A) An employee or third party directs toward an employee in the course and scope
16 such bullied employee's employment;

17 (B) Occurs in the workplace;

18 (C) Is either severe or pervasive; and

19 (D) Is objectively and subjectively offensive.

20 (3) 'Employee' means any individual who works for salary, wages, or other remuneration
21 for an employer for at least an average of 30 hours per week.

22 (4) 'Employer' means any individual or entity that employs ten or more employees and
23 shall include the State of Georgia and its political subdivisions and instrumentalities.

24 (5) 'Workplace' means any location where work on behalf of the employer is actually
25 performed.

26 (b) By October 1, 2021, every employer shall develop and implement a written
27 anti-bullying policy. Such policy at a minimum shall include procedures for reporting
28 bullying and taking corrective action to eliminate bullying. Such written policy shall be
29 distributed to new employees within five days of the date of hire and within five days of
30 October 1, 2021, for those individuals employed as of that date.

31 (c) By January 1, 2022, or within 30 days of the date of hire of an employee, whichever
32 is later, every employer shall ensure that each employee completes an educational training
33 program that at a minimum explains what bullying is, how to recognize it, the procedures
34 for reporting such conduct, and the corrective action such employer enforces if such
35 conduct is found to have occurred. The cost of such training, if any, shall be the sole
36 responsibility of the employer.

37 (d) An employer shall create and maintain documentation that shows the date on which,
38 each employee completed the educational training program provided for in subsection (c)
39 of this Code section. The documentation shall not be destroyed or otherwise subject to a
40 document destruction schedule.

41 (e) The employer shall periodically review its written anti-bullying policy provided for in
42 subsection (b) of this Code section to determine whether any updates are necessary. In no
43 event shall more than 18 months pass between reviews. Within five days of updating its

44 policy, the employer shall distribute such updated policy to all existing employees along
45 with a writing that identifies and explains such updates."

46 **SECTION 2.**

47 This Act shall become effective upon its approval by the Governor or upon its becoming law
48 without such approval.

49 **SECTION 3.**

50 All laws and parts of laws in conflict with this Act are repealed.