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## TENNESSEE LEGISLATURE PASSES “HEALTHY WORKPLACE ACT”

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The Healthy Workplace Act grants government employers immunity from suit for an employee’s abusive conduct that results in negligent or intentional infliction of mental anguish, if that employer has adopted a policy designed to assist the employer recognize and respond to abusive conduct in the workplace and prevent retaliation against any employee who reports such conduct.

By March 1, 2015 the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) will create a model policy designed to help employers deal with abusive conduct in the workplace. An employer may either adopt this model policy or create its own. However, if an employer decides to create its own policy it must ensure that the policy is designed to (1) assist the employer recognize and respond to abusive conduct in the workplace, and (2) prevent the retaliation against any employee who reports such conduct. This does limit the personal liability of an employee for abusive conduct in the workplace.

“Abusive Conduct” means any act or omission that would cause a reasonable person, based on the severity, nature, and frequency of the conduct, to believe that an employee was subject to an abusive work environment, such as:

- a) Repeated verbal abuse in the workplace, including derogatory remarks, insults, and epithets;
- b) Verbal, nonverbal, or physical conduct of a threatening, intimidating, or humiliating nature in the workplace; or
- c) The sabotage or undermining of an employee’s work performance in the workplace.

*Clifton N. Miller and Richard A. Marrero is available to consult with school system and other governmental entities regarding these and related matters.*

*This publication is a service to our clients and friends. It is designed to give only general information on the topic actually covered and is not intended to be a comprehensive summary of recent developments in the law, to treat exhaustively the subjects covered, to provide legal advice, or to render a legal opinion.*



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