

Concern	<a href="#">HWB</a>	<a href="#">WPSA</a>
Addresses all forms of psychologically abusive behavior?	<b>NO.</b> Has a narrow definition of bullying that excludes organizational (administrative and managerial practices) of bullying (mobbing).	<b>YES.</b> Has a comprehensive definition of personal bullying as well as organizational bullying (mobbing) that is <b>rooted in research on targets' lived experiences.</b>
Bans performance evaluations as affirmative defenses?	<b>NO.</b> Not only does the HWB fail to include organizational practices as potential abusive behavior, but it also explicitly allows employers to use performance evaluations as an affirmative defense.	<b>YES.</b> Explicitly acknowledges the misuse of performance evaluations to document false narratives.
Omits a requirement of proof of intent (an extremely high threshold), consistent with sexual harassment law?	<b>NO.</b> Explicitly requires proof of intent.	<b>YES.</b> Through <a href="#">Meritor Savings Bank v. Vinson</a> , the U.S. Supreme Court recognized a plaintiff should <b>not have to prove intent</b> and an employer is <b>liable for a hostile work environment</b> whether or not an employer knew or should have known about it. European workplace anti-bullying laws do not require evidence of malicious intent as a baseline — only for increased award of punitive damages. The WPSA sets the baseline for a legal claim as a toxic work environment, in line with the U.S. Supreme Court decision.
Omits a requirement of psychological injury, consistent with sexual harassment law?	<b>NO.</b> The HWB fails to get in front of health harm. It explicitly requires proof of health harm. A psychological injury requirement also incentivizes employers to require the plaintiff to undergo a psychological examination during discovery, further victimizing the employee.	<b>YES.</b> The WPSA seeks to protect employees before health harm occurs. Through <a href="#">Harris v. Forklift Systems</a> , the U.S. Supreme Court recognized a plaintiff should not have to incur and show psychological or physical harm but instead used a reasonable person's perception of a work environment as

		hostile or abusive as the baseline for a legal claim. The WPSA sets the baseline for a legal claim as a toxic work environment, in line with the U.S. Supreme Court decision.
Allows for protections beyond repetitive acts?	<b>NO</b> , though “an especially severe and egregious act may meet this standard.”	<b>YES</b> . Does not require repetition or especially severe and egregious acts to meet the toxic work environment standard. The emphasis is on the worker’s safety. Single acts of bullying are extremely common and should not be treated differently than repetitive behavior.
Acknowledges the difficulty targeted employees have in reporting bullying and mobbing?	<b>NO</b> . Because the HWB fails to include organizational practices as potential abusive behavior, it ignores that an employer may receive notice of abusive behavior in ways other than a report through their own formal system. In addition, under the <a href="#">Faragher defense</a> , an employer can defend against liability if they can show “the employer exercised reasonable care to prevent and correct promptly any sexually harassing behavior, and that the plaintiff employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise” (Faragher v. Boca Raton, 1998: 807). Many lower courts interpret this standard as a requirement for targets	<b>YES</b> . Acknowledges that employees need an alternative path to employers’ often rigged internal protocols that include misrepresenting complaint processes, investigations, and subsequent reports to feign knowledge of the issue and make it look as if reasonable care was exercised to avoid liability. Does not require use of internal protocol and provides alternative paths.

	<p>of workplace harassment to follow their employer's often rigged reporting guidelines, which HWB language calls for under Section 3(b)(2): "the complainant employee unreasonably failed to take advantage of appropriate preventive or corrective opportunities provided by the employer."</p>	
<p>Plugs up loopholes in employment law?</p>	<p><b>NO.</b> Because the HWB fails to include organizational practices as potential abusive behavior, it allows employers to continue with the abusive "business as usual" practices to create false narratives and to continue to police themselves, above reproach and without consequence.</p>	<p><b>YES.</b> The WPSA not only gives consequences for employers who misrepresent situations but also holds employers accountable for proactively preventing psychological harm through policies, training, and surveys. The WPSA also gives employees alternative pathways to justice when employers' own processes are rigged.</p>