
BILL NO: House Bill 126
TITLE: Peace Orders – Workplace Violence
COMMITTEE: Judiciary
HEARING DATE: January 23, 2020
POSITION: **SUPPORT WITH AMENDMENTS**

House Bill 126 establishes a mechanism in which employers may seek the civil protections of peace orders on behalf of their employees. As operators of the statewide Employment Law Hotline, and understanding that workplace violence can affect all workers – regardless of their gender or socio-economic background - the Women’s Law Center (WLC) believes the ability to obtain peace orders on behalf of employees, in certain circumstances, can be an effective tool for management in preventing workplace violence.

In 2009, approximately 572,000 nonfatal violent crimes occurred against people while they were at work or on duty, accounting for about 24% of nonfatal violence against employed persons age 16 or older¹. According to OSHA, one of the best protections employers can offer their workers is to establish a zero-tolerance policy toward workplace violence. This policy should cover all workers, patients, clients, visitors, contractors, and anyone else who may come in contact with company personnel. Frequently, the perpetrators are disgruntled current or former employees². In those situations, coworkers are often fearful of taking steps against the individual directly; nor is it necessarily their responsibility to do so. Certain occupations, such as health care providers and social service workers, are at heightened risk of workplace violence³, but may also be reluctant to take action against clients they are trying to serve.

Employers have a duty to provide their employees with a place of employment “free from recognized hazards that are causing or are likely to cause death or serious harm to . . . employees.” 29 U.S.C. § 654(a)(1). This includes workplace violence. By amending the current peace order statute to include employees in the definition of who is eligible for relief, employers will be able to take active steps to protect their staff, while preventing a respondent from retaliating against an individual employee who may have otherwise sought the protections.

Also, it is clear that domestic violence is not confined to the home. Nearly 98% of employed domestic violence victims experienced problems at work related to the violence, with 67% saying the perpetrator came to the workplace⁴. Employers cannot dismiss these issues by characterizing them as “family matters” or “issues best left to law enforcement”; rather, employers should develop comprehensive policies to address and accommodate the needs of victims, as well as how to maintain a safe workplace for all employees. It is imperative that victims retain autonomy in determining whether and when to obtain a protective order against their abuser. This bill does not, and should not, concern those situations.

¹ U.S. Dept. of Justice, Bureau of Justice Statistics, Special Report: Workplace Violence, 1993-2009, <https://bjs.gov/content/pub/pdf/wv09.pdf>

² U.S. Dept. of Labor, Workplace Violence Programs, <https://www.dol.gov/oasam/hrc/policies/dol-workplace-violence-program.htm>

³ U.S. Dept. of Labor, Occupational Safety and Health Administration, Workplace Violence Fact Sheet, https://www.osha.gov/OshDoc/data_General_Facts/factsheet-workplace-violence.pdf

⁴ Ending Gender Based Violence in the World of Work in the United States, Robin Runge, The George Washington University Law School, [https://aflcio.org/sites/default/files/2017-04/Ending%20Gender%20Based%20Violence%20in%20the%20World%20of%20Work%20USA%20Report%20\(002\).pdf](https://aflcio.org/sites/default/files/2017-04/Ending%20Gender%20Based%20Violence%20in%20the%20World%20of%20Work%20USA%20Report%20(002).pdf)

Rather, it could be an effective tool for employers dealing with the collateral effects of domestic violence on the rest of the workforce.

However, the WLC has some concerns that under the current language as drafted a judge may order, as a condition of the final peace order, a petitioner's employee to counseling. This language would provide the court with broad discretion to require *any* employee to attend counseling, regardless of a lack of a nexus to the underlying incident. Furthermore, even if there is a connection to the basis for the peace order, the court should not be permitted to order counseling for an employee who has not voluntarily subjected themselves to the court's jurisdiction and who may not even be present at the hearing.

HB126 provides a valuable tool for employers who wish to protect their staff and customers from workplace violence. As an organization that proudly employs more than a dozen individuals, whose safety and security are a top priority, this legislation would enable the WLC to take proactive steps to maintain that security within the workplace. Therefore, the Women's Law Center of Maryland, Inc. SUPPORTS, WITH AMENDMENTS, House Bill 126.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.