

HB126 // Peace Orders - Workplace Violence
In the House - Hearing 1/23 at 1:00 p.m.

FROM Vince McAvoy, vince.mcavoy@yahoo.com

Dear Delegates,

I urge you and your Committee members to vote down the House Bill
HB126 (Peace Orders - Workplace Violence).

I augment my testimony from last year's Workplace Violence bill
(last year's testimony queued up/seen here

http://mgaleg.maryland.gov/mgaweb/Committees/Media/false?cmte=jud&ys=2019RS&clip=JUD_2_28_2019_meeting_1&url=http%3A%2F%2Fmgahouse.maryland.gov%2Fmga%2Fplay%2F13dbf671-970f-4250-a47b-1a78aea8e958%2F%3Fcatalog%2F03e481c7-8a42-4438-a7da-93ff74bdaa4c%26playfrom%3D3899000)

•• **Workplace Inequity** ••

* This bill cannot be applied equally in Maryland workplaces. I mentioned transit operators last year. Many of those workers are union.

Have you thought about the incredible cost for Maryland Dept. of Transportation contracts to implement even a portion of this bill for a Union shop, when they currently operate buses on 26% of the farebox?

For an activist judiciary committee, this seems surprising, if not troubling. The class of worker I mentioned last year are overwhelmingly black, middle-aged, safety-/customer-service oriented. You'd provide nothing for them, to favor... what... "office workers"? Does that not seem elitist to you?

* This bill will spawn frivolous lawsuits with broad repercussions.

If I see a person gaining on me at promotion-time, this bill is open to abuse. It doesn't matter if that's not the intentions of the bill. And once abused, the results are unfathomable for those who are exonerated of such workplace accusations. This level of defamation of character is impossible to recover from. It will - mark my words - result in **suicide** for falsely-accused workers.

Due to that certainty, ANY family with a shred of shrewdness would surely sue the company, the protagonist (as well as the State of Maryland) for being party to frivolous legal actions.

•• **Unsustainable Burden on Courts** ••

Speaking of office workers, can you imagine court officials trying to discern "proper" versus "threatening" use of a box cutter for packagers at an Amazon shipping hub? In a District Court setting? Or the multitude of other actions common to workplace operations which will be conflated & confused by Court officials? Or the huge glut of false flag cases when dissatisfied workers use Protective Orders to impoverish bosses they hate?

In my anecdotal example last year, a judge at North Avenue District Court struck down two petitions where House of Ruth lawyers attempted to file without the complainants.

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This bill has no element of Due Process with demands that this occur “instantly”. No complainants filing but rather whatever department /personnel a business chooses. The bill doesn’t even mandate who will file for the business or if that person be an attorney.

Can an inanimate business department “express” fear (an integral piece of a DV Filing)? More to the point, what elements can be expressed on the part of a corporation for the purposes of this bill that are simultaneously not ALREADY covered by existing law, relative to violence in the workplace? None.

So in the example I gave last year, it would seem the District Court judge had a strong point relative to forcing human complainants to appear before the Court in person to file a domestic violence suit.

•• **Bad for Business** ••

This bill will cause a mandate and a climate of expectation to arise in Maryland.

This bill will hurt small businesses, lead many businesses into areas that they haven't the expertise or discipline to wade into & provide a utopian viewpoint that when a business and a government print a piece of paper, all harm will end.

Since Ford's Theater in 1865, wise men have known this to not be the case.

•• **Duplicating Work for Everyone** ••

Last Session, this bill died in the Senate before making it to the Senate Floor, where it would be lambasted. Why? Many reasons:

- * Maryland is an at-will state. Employment can be terminated for any/no reason.
- * Trespassing laws work when businesses are diligent.
- * Marylanders already have employment contracts explicitly stating zero tolerance policies for threats, offensive language, violence, etc.

Add to that list:

Complainants can already file a DV Protective Order practically anonymously.

That you don't have a co-sponsor in the Senate may be due to some folks' communications. Or it may just be that senators have better sense than to promote the inequity, elitism & frivolousness of this bill.

And on that note...

Soon Maryland Senators, by edict or self-edit, will be allowing fewer bills, especially frivolous bills already heard which are designed to hurt Maryland employers & harm employees.

Promoting Workplace Inequity, increasing the Burdens on Courts, inviting frivolous lawsuits, hurting Maryland businesses and duplicating work for EVERYONE (including your colleagues in the Senate) is not the purpose of a lawyer nor of a lawmaker.

Keeping the House in order through reduction of failure bills is good advice.

Thank you for your votes & your consideration.

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~vince