



**Maryland SHRM State Council, Inc.**



**Testimony in Support of SB0105**

**“Peace Orders – Workplace Violence”**

**Submitted to the Senate Judicial Proceedings Committee**

**January 28, 2021**

Chairman Smith and Members of the Committee.

My name is Cheryl Brown and I’m testifying on behalf of the Maryland Society for Human Resource Management State Council, Inc. Maryland SHRM represents more than 9,000 members of the Society for Human Resource Management (SHRM) across the state. We strongly support SB0105, if enacted into law, would provide employers standing to seek a peace order to protect an employee and others in their organizations from an imminent threat of harm while at the workplace.

According to the U.S. Bureau of Labor Statistics, in 2017, 458 people were fatally injured in work-related attacks. That's about 9% of the 5,147 workplace deaths that year. Workplace violence is the third leading cause of death for healthcare workers, and employees in professional and business services like education, law and media, according to *Injury Facts*

2016<sup>1</sup>. Of the 50 active shooter incidents that occurred in the U.S in 2016 and 2017, 3 of them occurred in Maryland. Maryland was the 5<sup>th</sup> highest state of active shooter incidents in the country.

In Maryland in 2018 alone, businesses lost a number of employees to active shooter situations by either an employee, a former disgruntled employee or an unhappy customer. 6 people shot and 3 killed at Advanced Granite Solutions in Edgewood; 7 people shot and 3 killed at a Rite Aid shooting in Aberdeen, 5 people killed and several others injured at the Capital Gazette shooting in Annapolis. In 2019, SHRM lost two HR professionals in a workplace violence shooting by a disgruntled employee who killed 5 employees and injured 5 others at a worksite in Aurora, IL<sup>2</sup>.

Workplace violence incidents have increased over the past 5 years. To date, at least 11 states have enacted Workplace Restraining Order Laws allowing the employer to apply for a restraining or peace order prohibiting acts of violence at the employer's workplace<sup>3</sup>.

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<sup>1</sup> <https://injuryfacts.nsc.org/work/work-overview/work-related-fatality-trends/>

<sup>2</sup> Smith, Allen, "A Workplace Shooting Is Every HR Professional's Fear." February 19, 2019, SHRM.

<sup>3</sup> See attached Map of the United States showing states with Workplace Violence laws, SHRM 2019.

In Maryland, the employer does not have standing to seek a peace order if it is aware that one or more of its employees is threatened with an imminent harm at the workplace.

Maryland Occupational Safety and Health (MOSH) covers every Maryland employer in a business, trade, commercial or industrial activity, who has one or more employees, including State and local governments. MOSH's mission is to promote and assure workplace safety and health, and reduce workplace fatalities, injuries and illnesses.

The enactment of SB0105 into law will provide MD employers with another tool to protect the health and safety of their employees at the workplace.

This bill is not a mandate on employers. Rather; it will allow an employer the opportunity to decide whether or not seeking a peace order makes sense for their organization. The bill also provides a safeguard from any civil liability an employer for failure to file a petition on behalf of an employee should an incident occur.

Under current law, the court can issue a peace order filed by the individual if it finds by a preponderance of the evidence that the aggressor engaged in or threatened unlawful violence. If the employer has the ability to seek a

peace order, that action might take the pressure off the victim and could result in protecting others in the workplace at the same time.

SB0105 would provide employees and their employers with the opportunity to secure the work environment when a potential threat to either or both exists. SB0105 will bar the aggressor from:

- Entering the workplace.
- Following an employee.
- Contacting the employee by any means.

Often, HR professionals and employers have first-hand knowledge of an imminent threat of harm, as they are the ones who are charged with terminating employees; HR professionals are the ones who hear complaints from other co-workers, who witness the emotions of a disgruntled or angry employee and observe the impact that threats of violence have on an employee's performance and attendance in the workplace. The passage of SB0105 would provide employers a way to deter workplace violence from even entering the workplace when they are aware that a threat exists.

MD SHRM strongly urges your favorable consideration of SB0105.

Respectfully submitted,

Cheryl U. Brown

MD SHRM Governmental Affairs