

SB0105 testimony.MD SHRM Cheryl Brown.pdf

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Position: FAV



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®¹. 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 5th 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, IL².

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 workplace³.

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

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

³ 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,

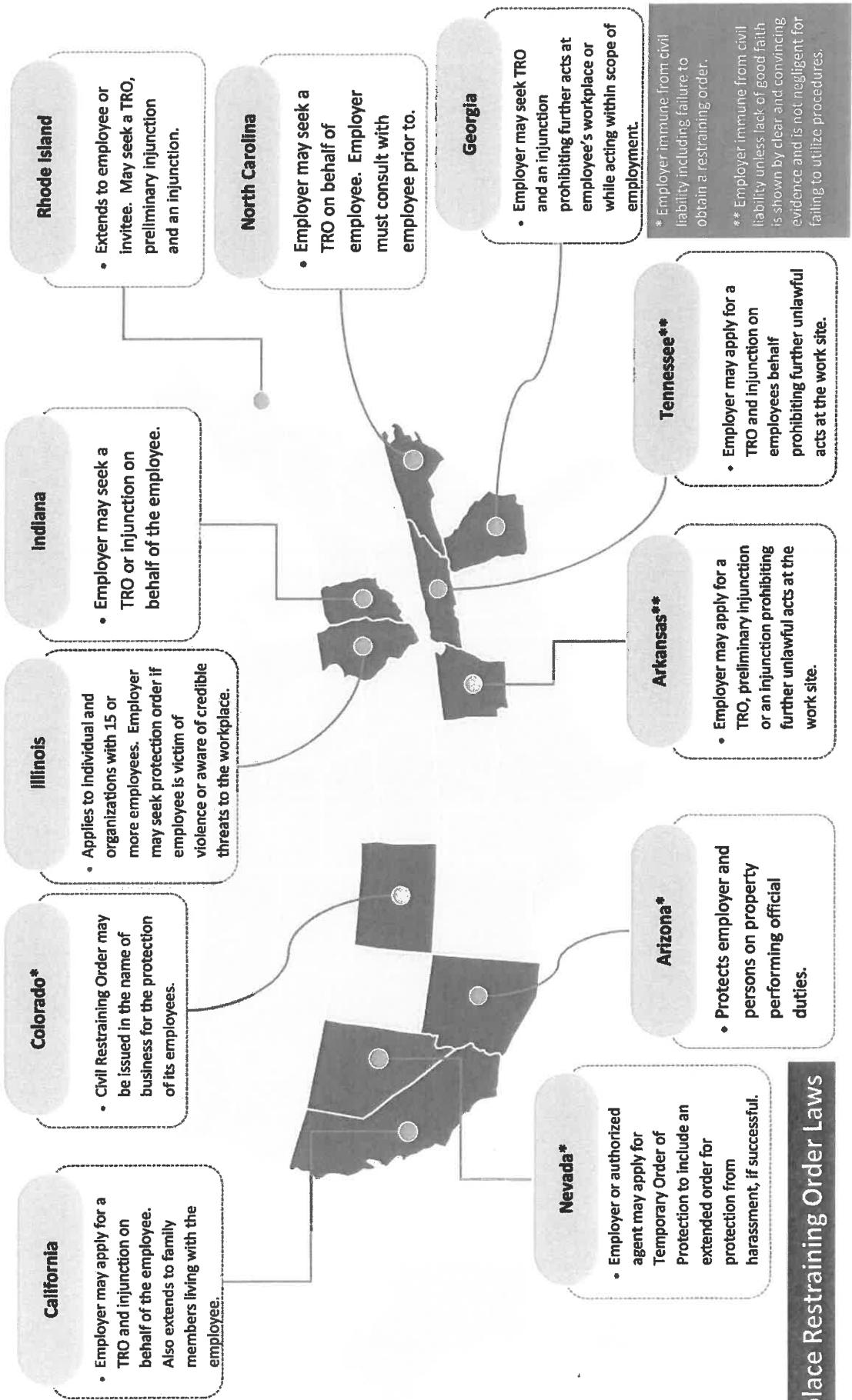
Cheryl U. Brown

MD SHRM Governmental Affairs

States and workplace violence restraining order st

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Position: FAV



Workplace Restraining Order Laws

* Employer immune from civil liability unless lack of good faith is shown by clear and convincing evidence and is not negligent for failing to utilize procedures.

** Employer immune from civil liability unless lack of good faith is shown by clear and convincing evidence and is not negligent for failing to utilize procedures.

State Statutes

Workplace Violence Restraining Orders

Alaska: Permits an employer to seek a protective order for an employee reasonably believed to be a victim of stalking or sexual assault. Alaska Stat. § 18.65.850.

Arizona: Permits an employer to seek an injunction on behalf of an employee to end workplace harassment. Ariz. Rev. Stat. Ann. § 12-1810.

Arkansas: Permits an employer to combat unlawful violence, a threat of violence, or harassment (including stalking) in the workplace by seeking a temporary restraining order, preliminary injunction or injunction in accordance with state law. A.C.A. § 11-5-115.

California: Permits an employer to combat unlawful violence, and a threat of violence, or harassment (including stalking) in the workplace by seeking a temporary restraining order, preliminary injunction or injunction in accordance with state law. Cal. Civ. Proc. Code § 527.8.

Colorado: Permits employers to seek restraining orders to prevent imminent danger to employees. Colo. Rev. Stat Ann. § 13-14-102(4). Also permits leave for victims of domestic abuse, sexual assault, stalking, or other domestic violence-related crimes. Colo. Rev. Stat. Ann. § 24-34-402.7.

Connecticut: Health care employers must “establish and convene an ongoing workplace safety committee to address issues related to the health and safety of health care employees, [and] ...[annually] undertake a risk assessment of the factors that put any health care employee at risk for being a victim of workplace violence. Based on the findings of the risk assessment ... each health care employer, in collaboration with the workplace safety committee, shall develop and implement a written workplace violence prevention and response plan.” Conn. Gen. Stat. Ann. § 19a-490q. Employers must also maintain records of workplace violence. Conn. Gen. Stat. Ann. § 19a-490r.

Georgia: Permits an employer to seek an injunction for an employee who has suffered unlawful violence or a credible threat of violence in the workplace. O.C.G.A. §34-1-7.

Illinois: Requires health care providers to adopt and implement a plan to reasonably prevent and protect employees from workplace violence, review/update the plan at least every three years, and conduct violence prevention training. 405 Ill. Comp. Stat. Ann. 90/15 et seq. (Health Care Workplace Violence Prevention Act). Leave is permitted for employees who are the victims of domestic violence. 820 Ill. Comp. Stat. Ann. 180/1.

Indiana: Permits an employer to combat unlawful violence, and a credible threat of violence, by seeking a temporary restraining order or injunction on behalf of an employee to prohibit further violence or a threat of violence. Ind. Code § 34-26-6-6.

Nevada: Employer may seek a temporary order of protection to prevent workplace harassment. Nev. Rev. Stat. §§ 33.200 et seq.

North Carolina: Permits an employer to seek a no-contact order on behalf of an employee who has been subjected to harassment and/or the threat of harassment. N.C. Gen. Stat. Ann. § 95-260 et seq.

Rhode Island: Permits an employer to seek a temporary restraining order, preliminary injunction or injunction on behalf of an employee to prohibit further violence or a threat of violence in the workplace. R.I. Ann. § 28-52-2.

Tennessee: Permits an employer to seek a temporary restraining order, preliminary injunction or injunction on behalf of an employee to prohibit further unlawful violence or a credible threat of violence in the workplace. Tenn. Code Ann. § 20-14-102.

Sydnor Testimony for SB0105.pdf

Uploaded by: Clark, Eugene

Position: FAV

CHARLES E. SYDNR III, Esq.
Legislative District 44
Baltimore City and Baltimore County

Judicial Proceedings Committee

Joint Committees

Children, Youth, and Families

Cybersecurity, Information
Technology, and Biotechnology

Ending Homelessness



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony for SB 105
Peace Orders – Workplace Violence
Before the Judicial Proceedings Committee
On January 28, 2021

Good afternoon Mr. Chairman, members of the Committee.

Peace orders are important legal tools that can be implemented to protect victims of abuse in our community. A “peace order” is a type of legal protection that can be provided to anyone who is experiencing problems with another person.¹ These orders enable a petitioner who wishes to be left alone to ask the Court to order another person to stay away and refrain from any contact with them.² In 2019 alone, the District Court granted 6,524 interim peace orders, 15,512 temporary peace orders, and 5,415 final peace orders.³

Under current law, an individual seeking protection must file the order. The law is designed to give a victim the opportunity to seek a protective order. For example, a petitioner who does not meet the relationship requirements under the domestic violence protective order statutes may file a petition for a peace order with the District Court that alleges the commission of certain acts against the petitioner by the respondent, if the act occurred within 30 days before the filing of the petition.⁴ Such acts include an act that causes serious bodily harm, an act that places the petitioner in fear of imminent serious bodily harm, harassment, stalking, trespass, and malicious destruction of property.⁵ However, if an individual in need of protection is precluded in some way from filing for a protective order, there is no alternative way for them to seek a protective order.

To remedy this, SB 105 extends existing statutory provisions relating to the filing, issuance, and modification of peace orders, as well as the shielding of related court records, and to peace orders filed by employers on this basis. Specifically, this bill allows an employer to file a petition for a peace order on behalf of an employee that alleges the commission of one or more of the specified acts against their employee in the workplace. This bill requires an employer to notify its employee

¹ The People’s Law Library of Maryland, *Peace Orders*, retrieved from <https://www.peoples-law.org/peace-orders>.

² *Id.*

³ See Fiscal and Policy Note for SB 846 (2020).

⁴ *Id.*

⁵ *Id.*

before filing for the peace order. However, an employer is immune from any civil liability that may result from their failure to file a petition for a peace order on behalf of an employee. An employer may not retaliate against an employee who does not provide information for or testify at a peace order proceeding.

Workplace violence has been especially prevalent in the health care system, with nurses in particular facing high rates of physical violence in the workplace.⁶ Nurses who become victims of workplace violence often do not feel comfortable filing for protective orders on their own. This bill will allow a nurse's employer to file the peace order on behalf of them and prevent a dangerous person from returning to the nurse's place of employment.

SB 105 helps to protect victims of abuse who are afraid to take action on their own behalf. By allowing employers to file for protective orders on behalf of employees for acts against their employees in the workplace, we are enabling others to take action against abuse when it happens. We are allowing members of our community to stand up for those who cannot stand up for themselves. I ask the committee to vote in favor of SB 105.

⁶ Jacquelyn C. Campbell, PhD, RN, FAAN et. al., "Workplace Violence: Prevalence and Risk Factors in the Safe at Work Study," *Journal of Occupational and Environmental Medicine*, Vol. 54 No. 1, 84 (Jan. 2011).

2021 ACNM SB 105 Senate Side.pdf

Uploaded by: Elliott, Robyn

Position: FAV

AFFILIATE OF



Support

Senate Bill 105 – Peace Orders – Workplace Violence

Senate Judicial Proceedings Committee

January 28, 2021

The American College of Nurse Midwives – Maryland Affiliate (ACNM) supports *Senate Bill 105 – Peace Orders – Workplace Violence*. The bill would protect health care practitioners as employers would be allowed to file peace orders related to preventing workplace violence.

ACNM supports this bill because workplace violence too frequently affects clinicians, patients, and patients' families. Health care providers face a higher risk of violence than employees in many other settings, with incidents of serious violence being four times more common in health care as other industries.¹ This bill would give all employers, including health care facilities, a tool to help keep their facilities safe by allowing the employer to file a peace order to protect an employee. After facing workplace violence, employees may be too traumatized to navigate the complex legal system. This bill would allow employers to assume that burden.

We ask for a favorable report. If we can provide any additional information, please contact Robyn Elliott at (443) 926-3443 or relliott@policypartners.net.

¹ OSHA 3826. Workplace Violence in Healthcare. Understanding the Challenge. (2015). <https://www.osha.gov/Publications/OSHA3826.pdf>

2021 MOTA SB 105 Senate Side.pdf

Uploaded by: Elliott, Robyn

Position: FAV



Maryland Occupational Therapy Association

PO Box 131 ♦ Stevenson, Maryland 21153 ♦ mota.memberlodge.org

Support

Senate Bill 105 – Peace Orders – Workplace Violence

Senate Judicial Proceedings Committee

January 28, 2021

The Maryland Occupational Therapy Association (MOTA) supports *House Bill Senate Bill 105 – Peace Orders – Workplace Violence*. The bill would allow employers to file peace orders to protect employees from workplace violence.

MOTA supports this bill because workplace violence is too frequent in health care facilities. Health care workers are at an increased risk for violence, with incidents of serious violence being four times more common in health care as other industries.¹ This bill would give health care facilities a tool to help keep their facilities safe by allowing the employer to file a peace order to protect an employee. Employees may be too frightened to have their personal address on legal filings, and this bill would alleviate this fear. It would also remove the burden from the employee from navigating a complex legal system. This is critical, especially when an employee is recovering from the trauma of workplace violence.

MOTA wants to ensure that health care facilities are safe. It is important for the lives of health care providers and patients. MOTA recognizes that this is a new initiative, and we pledge to work with the sponsor and Committee on any technical issues that need to be addressed.

We ask for a favorable report. If we can provide any additional information, please contact Robyn Elliott at (443) 926-3443 or relliott@policypartners.net.

¹ OSHA 3826. Workplace Violence in Healthcare. Understanding the Challenge. (2015). <https://www.osha.gov/Publications/OSHA3826.pdf>

SB 105- Peace Order-Testimony of Bernard Gerst- Li

Uploaded by: Gerst, Bernard

Position: FAV



CARE BRAVELY

Judicial Proceedings Committee

January 28, 2021

Testimony of Bernard Gerst, Assistant Vice President, Chief of Security and Parking, LifeBridge Health
Position: SB105 – Peace Orders – Workplace Violence

I am writing in support of SB105 – Peace Orders – Workplace Violence. As in many public settings, assaults, threats, and other forms of workplace violence are increasing. Our physicians, nurses, and ancillary staff already have stressful and demanding work environments. The incidence of violence or threats of violence add to an already stressful and at times dangerous work environment and detract from their time and attention to the performance of their duties. This legislation is an important tool to help protect our staff and our institutions from violence.

Current Limitations of Trespass Notices: For the “bad actor” who has assaulted, threatened, stalked, or intimidated a member of our staff, one of the few tools currently at my disposal is issuance of a trespass notice to prevent that person from returning to the facility. Those notices provide limited protection, as they pertain only to the workplace. Peace orders apply to not only the workplace but also the residences of affected staff members and other locations as they go about their personal lives. Further, if someone violates a trespass notice, responding law enforcement officers are less apt to effect an arrest and instead just tell the person to leave. Officers are more willing to arrest if someone is violating a valid peace order issued by a judicial officer.

Supporting Our Employees in Responding to Violence: This legislation is needed so staff members who have already been traumatized and victimized are not subjected to having to respond to the court to apply for the peace order in person. It will allow hospital security professionals to obtain the necessary statements from victims and apply on their behalf for the interim peace order. Our security professionals are familiar with the courts and are here for these purposes so staff can stay on their jobs providing healthcare services. I believe this concern is a factor as to why some staff decide not to pursue the peace order - so they don't leave their unit or floor short-handed. The respondent is afforded due process just as they would be if the victim made the petition, by appearing at the initial hearing wherein the judge decides whether to issue a permanent order. The party or parties on whose behalf the peace order was obtained would still have to attend that hearing.

Finally, note one very poignant irony - today, if a nurse is assaulted, my investigator can take the nurse's statement, gather evidence and proceed to district court and make application for a statement of charges on behalf of our nurse victim. That application could result in issuance of an arrest warrant for which the defendant could be arrested, booked, and held until he or she could post bond for release. But today, that same investigator can't apply for an interim peace order which merely tells the respondent to stay away from the victim or the facility. That simply makes no sense!

For the foregoing reasons, I respectfully request a **FAVORABLE** report on SB 105 – Peace Orders – Workplace Violence.

SB 105_Peace Orders_Workplace Violence_FAV.pdf

Uploaded by: Griffin, Andrew

Position: FAV



LEGISLATIVE POSITION:

Favorable

Senate Bill 105—Peace Orders—Workplace Violence

House Judiciary Committee

Thursday, January 28, 2021

Dear Chairman Smith and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 5,000 members and federated partners, and we work to develop and promote strong public policy that ensures sustained economic recovery and growth for Maryland businesses, employees and families. Through our work, we seek to maintain a balance in the relationship between employers and employees within the State through the establishment of policies that promote fairness and ease restrictive burdens.

As presented, Senate Bill 105 authorizes an employer to file a petition for a peace order that alleges the commission of specified acts against the petitioner's employee at the employee's workplace. The bill extends statutory provisions relating to the filing, issuance, and modification of peace orders, as well as the shielding of related court records, to peace orders filed by employers on this basis. An employer is immune from any civil liability that may result from the failure of the employer to file a petition for a peace order on behalf of an employee.

Workplace violence incidents are occurring with increasing frequency across the U.S., and, every year, approximately 2 million Americans are victims of non-fatal violence at their place of employment. What is more, officials at the U.S. Department of Justice found that violence is a leading cause of fatal injuries at work, and approximately 1,000 homicides occur in the workplace annually.

Eleven states have enacted laws allowing an employer to seek a restraining order on behalf of an employee. However, in Maryland, employers do not have standing to apply for a restraining order to prevent violence or harassment of their employees.

If enacted, this bill would allow a court to determine whether "imminent danger exists to the employees of a business entity" and issue a restraining order in the name of the business for the protection of employees. Employers would not be subjected to liability for failure to obtain a restraining order under the law.

We strongly believe that this legislation will provide Maryland employers with an additional tool to protect their employees from harm. By enabling employers to legally obtain an Order barring an aggressor from entering the workplace and/or following, harassing, or contacting an employee, Maryland's job creators will be better able to provide a safe workplace environment.

For these reasons, the Maryland Chamber of Commerce respectfully requests a **Favorable Report** on Senate Bill 105, as presented.

Johns Hopkins Testimony - SB 105 Peace Orders - Wo

Uploaded by: Hafey, Elizabeth

Position: FAV

TO: The Honorable William C. Smith, Jr., Chair
Senate Judicial Proceedings Committee

FROM: Elizabeth A. Hafey, Esq.
Associate Director, State Affairs

DATE: January 28, 2021

Johns Hopkins supports **Senate Bill 105 – Peace Orders – Workplace Violence**. This bill would authorize an employer to file a petition for a peace order on behalf of its employee if the act occurred at the workplace. It also protects an employer from civil liability that may result from the failure of the employer to file a petition for a peace order on behalf of an employee. The bill also requires an employer to notify an employee before the employer files any petition. The ability to file a petition for a peace order is an important and useful tool to protect employees.

During the unprecedented COVID-19 pandemic, our health care workers continue to face the threat of workplace violence as they strive to deliver compassionate care to our patients. Despite their resilience, the pandemic has taken a physical and emotional toll on our health care workers as they fear for their own safety and that of their families. The need for this legislation is greater now than ever before.

As the largest private employer in the State, Johns Hopkins takes the responsibility to create a safe work environment for its employees very seriously. One of the ways an employer can create a safe work environment is to reduce an employee's exposure to a threat. Employer filed petitions for peace orders will enable us to protect our workforce, create a safe workplace and allow our employees to feel safe and thus perform better.

Indeed, workplace violence remains an ongoing concern for staff at Johns Hopkins. **For example, since September 2018, Johns Hopkins' Maryland facilities have received over 2,600 reports of verbal and/or physical aggression and violence at the hands of patients or their family members. The occupational injury clinic learns of more than 25 injured employees per month as the result of violent and aggressive events by patients.** The Johns Hopkins Hospital security office alone has reported an average six to seven assaults per month by patients and visitors as reported by employees, since 2018. Johns Hopkins remains committed to creating a safe work environment for its staff.

Like last session's bill, the changes in Senate Bill 105 would be welcomed enhancements to the policies and procedures that Johns Hopkins already has in place to reduce workplace violence and to aid employees who feel threatened. Employees may not have the time or knowledge to file a petition for a peace order themselves or may be fearful to do so. The ability to file a petition for a peace order would allow us to use our resources further to protect an employee who is being targeted at work.

JOHNS HOPKINS

UNIVERSITY & MEDICINE

Government and Community Affairs

Senate Bill 105 would create another avenue for creating the safe work environment to which all employees are entitled. Johns Hopkins urges a **favorable report on Senate Bill 105 – Peace Orders – Workplace Violence.**

cc: Members of the Senate Judicial Proceedings Committee
Senator Charles Sydnor

International Association for Healthcare Security

Uploaded by: Hagen, Jeffrey

Position: FAV



January 28, 2021

To: The Honorable William C. Smith Jr., Chair, Senate Judicial Proceedings Committee

Re: Letter of Support- Senate Bill 105- Peace Orders - Workplace Violence

Dear Chair Smith:

Please accept this letter in support of SB 105 cross-filed with HB 289 Peace Orders-Workplace Violence on behalf of the members of the Maryland Chapter of the International Association of Hospital Safety and Security.

As leaders in security dedicated to protecting the safety of our patients, staff and visitors, we unanimously and whole-heartedly support this legislation and see it as a means to support our staff who are subjected to incidents of workplace violence. Assaults, threats, and other forms of workplace violence are a serious problem in the healthcare industry. We view this legislation as an important tool to help protect our staff and our institutions from violence.

Thank you for your consideration and support of this very important piece of legislation.

Sincerely,

Jeffrey Hagen
President
Maryland Chapter of IAHSS

PeO - workplace - testimony - senate - 2021.pdf

Uploaded by: Jordan, Lisae C

Position: FAV



violence in Maryland

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Working to end sexual

For more information contact:
Lisae C. Jordan, Esquire
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www.mcasa.org

Testimony Supporting Senate Bill 105
Lisae C. Jordan, Executive Director & Counsel
January 28, 2021

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 105.

Senate Bill 105 – Senate Bill 105 establishes a mechanism in which employers may seek the civil protections of peace orders on behalf of their employees. The ability to obtain peace orders on behalf of employees, in certain circumstances, can be an effective tool for management in preventing workplace harassment, including sexual harassment.

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. MCASA notes that a number of rape crisis programs and legal services programs have had abusers threaten employees and this bill would be a helpful response. MCASA also appreciates that employers are prohibited from retaliating against an employee who chooses not to cooperate with this type proceeding.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
report favorably on Senate Bill 105**

SB0105_FAV_MedChi_Peace Orders - Workplace Violence

Uploaded by: Kasemeyer, Pam

Position: FAV

MedChi

The Maryland State Medical Society

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TO: The Honorable William C. Smith, Jr., Chair
 Members, Senate Judicial Proceedings Committee
 The Honorable Charles E. Sydnor, III

FROM: Pamela Metz Kasemeyer
 J. Steven Wise
 Danna L. Kauffman

DATE: January 28, 2021

RE: **SUPPORT – Senate Bill 105 – *Peace Orders – Workplace Violence***

The Maryland State Medical Society (MedChi), the largest physician organization in Maryland, **supports** Senate Bill 105.

Senate Bill 105 authorizes an employer to file a petition for a peace order on behalf of an employer's employee that alleges the commission of violence against the employee at the employee's workplace. There have been increasing acts of violence against health care providers that occur at emergency departments and other health care facilities. Often an employee is afraid to file a Petition due to fear of retaliation and further violence. Passage of Senate Bill 105 will provide an additional tool to protect health care providers by authorizing the employer to file a Peace Order on their behalf. MedChi urges a favorable report.

For more information call:

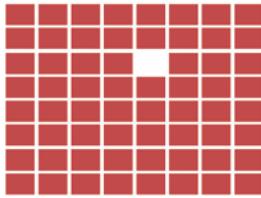
Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
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SB0105_FAV_MDACEP_Peace Orders - Workplace Violence

Uploaded by: Kauffman, Danna

Position: FAV

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Maryland Chapter AMERICAN COLLEGE OF EMERGENCY PHYSICIANS

TO: The Honorable William C. Smith, Jr., Chair
Members, Senate Judicial Proceedings Committee
The Honorable Charles E. Sydnor, III

FROM: Danna L. Kauffman
Pamela Metz Kasemeyer
J. Steven Wise

DATE: January 28, 2021

RE: **SUPPORT** – Senate Bill 105 – *Peace Orders – Workplace Violence*

The Maryland Chapter of the American College of Emergency Physicians (MDACEP) which represents the interests of emergency physicians and their patients throughout the State of Maryland **strongly support** Senate Bill 105, which authorizes an employer to file a petition for a peace order that alleges the commission of specified acts against the petitioner's employee at the employee's workplace.

MDACEP supports this bill due to increasing violent acts occurring in emergency departments against emergency personnel. According to surveys by the national American College of Emergency Physicians and the Emergency Nurses Association, a staggering number of emergency physicians and nurses report being victims of violence. This bill provides an additional tool to protect emergency personnel and reduce the anxiety that often occurs with employees determining whether to file a peace order by authorizing the employer to do so. We urge a favorable vote.

For more information call:
Danna L. Kauffman
Pamela Metz Kasemeyer
J. Steven Wise
410-244-7000

MCPA-MSA-SB 105 Peace Orders_Support.pdf

Uploaded by: Mansfield, Andrea

Position: FAV



Maryland Chiefs of Police Association



Maryland Sheriffs' Association

MEMORANDUM

TO: The Honorable William C. Smith Jr., Chairman and
Members of the Judicial Proceedings Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: January 28, 2021

RE: **SB 105 – Peace Orders – Workplace Violence**

POSITION: **SUPPORT**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) SUPPORT SB 105. This bill would authorize an employer under appropriate circumstances to file a peace order petition with the District Court of Maryland seeking protection on behalf of an employee, for certain misconduct affecting an employee, occurring in the workplace.

An employer in Maryland has a general obligation to provide its employees with a safe working environment (*see* Md. Code, Labor and Employment Article, § 5-104). SB 105 would authorize an employer to enhance employee safety, by allowing the employer to file a peace order petition seeking to protect its employee, if the employee becomes the victim of certain egregious conduct occurring in the workplace.

This amendment to the Maryland Peace Order law, Md. Code, Courts Article, § 3-1501 – 3-1510, would allow an employer to obtain a court order prohibiting a respondent from harming, threatening, harassing, or entering the employee's residence or place of employment. SB 105 is designed to curtail or prevent the occurrence of workplace related violence.

For these reasons, MCPA and MSA SUPPORT SB 105 and urge a FAVORABLE Committee report.

Peace Orders-UMMS testimony SB 105.pdf

Uploaded by: Martin, Rhya

Position: FAV



Senate Bill 105
Peace Orders – Workplace Violence

Before the Senate Judicial Proceedings Committee

POSITION: SUPPORT

The University of Maryland Medical System (“UMMS”) supports Senate Bill 105, Peace Orders – Workplace Violence. UMMS is a thirteen member hospital and health system that employs more than 28,000 people.

Senate Bill 105 would allow a victim’s employer to file a peace order on the employee’s behalf and keep the employee’s home address private.

This change is an important measure to keep people victims safe. Safety in this vein is especially of concern in healthcare, a high volume, high pressure, and high anxiety industry. Workers in health care settings are four times more likely to be victimized than other workers in other industries. Data from the Bureau of Labor show that violence-related injuries are four times more likely to cause healthcare workers to take time off from work than any other kind of injuries. The Joint Commission’s Sentinel Event data show 68 incidents of homicide, rape, or assault of hospital staff members over an eight-year period.

Alarmingly, the actual number of violent incidents involving healthcare workers is likely much higher than reported because reporting is voluntary. Medical professionals and healthcare personnel, especially in hospitals, are extremely vulnerable. The hospital environment is open to the public, and often tensions run high. Thus, healthcare workers are often the victims of assault in the workplace.

All too often, assault victims are terrified of the prospect of retaliation and may not seek a protective order for fear of escalating an assailant’s aggressive behavior. Allowing an employer, including a hospital, to obtain a protective order on behalf of an assault victim can protect the employee in the workplace and the employee’s privacy and security at home. Allowing an employer to file a protective order on an employee’s behalf also has the residual effect of protecting other employees and guests in the workplace as well.

It is of grave importance, now more than ever, that we protect our healthcare workers during these times. COVID-19 has presented the healthcare industry with unprecedented challenges. Many of our healthcare workers have been functioning under warzone-like circumstances. A 2020 Mental Health America study found that 93% of health care workers are experiencing stress, anxiety, emotional exhaustion, and burnout due to work conditions brought on by the pandemic. The public is also responding to these stressful times as well. Sadly, the level of assault and victimization increases in stress-prone contexts.

This bill can help mitigate and interrupt the cycle of retaliatory violence, protect a witness from becoming a secondary victim and build trust between victims and the judiciary system. This legislation will provide needed additional protections for victims of workplace violence and help protect others in the work space as well.

For these reasons, UMMS urges a favorable vote on SB 105.

Submitted By:

Donna L. Jacobs, Esq.
SVP, Government, Regulatory Affairs and Community Health
University of Maryland Medical System
250 W. Pratt St., Baltimore, MD
DJacobs@umm.edu

Peace Order Leg - Fav.pdf

Uploaded by: McClarty, Leonardo

Position: FAV



6240 Old Dobbin Lane ■ Suite 110 ■ Columbia, MD 21045

January 12, 2021

The Honorable Vanessa Atterbeary
House Judiciary Committee
House of Delegates
101 House Office Building
6 Bladen Street
Annapolis, MD 21401

The Honorable Charles Sydnor
Judicial Proceedings Committee
Senate
James Senate Office Building, Room 216
11 Bladen St.
Annapolis, MD 21401

RE: HB289 / SB105 – Peace Orders – Workplace Violence – Favorable Vote

Dear Delegate Atterbeary and Senator Sydnor:

The Howard County Chamber of Commerce (Chamber) is a business organization comprised of small business, corporations, non-profits, and governmental agencies all working together for the betterment of the Howard County business community. Our mission is to provide advocacy, connections, and access to timely information to advance the growth and success of the Howard County business community. I write to you at this moment on behalf of our 700 plus member companies out of support for HB289/SB105. This bill, if enacted into law, would provide Maryland 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.

Over the past several years, there have been three incidents of workplace violence by either an employee, a former employee, or an unhappy customer in Maryland. As a result of rising violence in the workplace, 11 states have enacted Workplace Restraining Order Laws allowing the employer to apply for a restraining order prohibiting acts of violence at the employer's workplace. 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 imminent harm.

The enactment of HB 289/SB105 into law will provide employers in the State of Maryland another tool to protect the health and safety of their employees. Equally important is

the fact that this bill is not a mandate but rather affords the employer the option to seek a peace order should they deem it necessary. The bill also provides employer a safeguard from any civil liability for failure to file a petition on behalf of an employee should an incident occur. The enactment of HB126/SB105 into law will provide employers in the State of Maryland another tool to protect the health and safety of their employees. Equally important is the fact that this bill is not a mandate but rather affords the employer the option to seek a peace order should they deem it necessary. The bill also provides employer a safeguard from any civil liability for failure to file a petition on behalf of an employee should an incident occur.

This legislation allows business professionals the opportunity to do their jobs with peace of mind. One of the hardest parts of having the role of supervisor is employment termination. It is during these tense moments that people become emotional, distraught, and in some cases threatening. The passage of HB289/SB105 would provide employers a way to deter workplace violence from even entering the workplace when they are aware that a threat exists. For the reasons noted, we strongly urge your favorable consideration of HB289/SB105.

Respectfully,



Leonardo McClarty, CCE
President/CEO, Howard County Chamber

CC: Howard County Chamber Board of Directors

NPAM Letter of Support SB 105 .pdf

Uploaded by: Peters, Sarah

Position: FAV



"Advocating for NPs since 1992"

January 12, 2021

Re: HB 289/SB 105- Peace Orders – Workplace Violence SUPPORT

On behalf of the Nurse Practitioner Association of Maryland, Inc., the only professional association advocating solely for the over 7,100 certified Nurse Practitioners (NPs) licensed in Maryland, and the over 800 active members of NPAM, we are requesting your support for **HB 289/SB 105- Peace Orders – Workplace Violence**.

As Advance Practice Registered Nurses, Nurse Practitioners are impacted by acts of violence while performing their duties in all practice settings and would benefit from the protections that peace orders grant when filed by employers on behalf of the employee. Further, this bill would also prohibit retaliation against an employee who does not provide information for or testify at a peace order hearing.

Thank you for your support of **HB 289/SB 105- Peace Orders – Workplace Violence** this legislative session.

Feel free to contact Beverly Lang, Executive Director, NPAM if you need additional information.

Kindest Regards,

Beverly Lang MScN, RN, ANP-BC, FAANP

Executive Director,
Nurse Practitioner Association of Maryland Inc.
443-367-0277 (Office)
410-404-1747 (Mobile)
Fax: 410-772-7915
NPAMexdir@npedu.com

SB105_Favorable_MRA.pdf

Uploaded by: Price, Sarah

Position: FAV

MARYLAND RETAILERS ASSOCIATION

The Voice of Retailing in Maryland



SB105 Peace Orders – Workplace Violence Judicial Proceedings Committee January 28, 2021

Position: Favorable

Background: SB105 would allow an employer to file a peace order on behalf of an employee.

Comments: The Maryland Retailers Association supports this legislation which would allow employers to provide a safer work environment for their employees. SB105 would allow businesses to file peace orders on behalf of their employees, protecting not only an individual under threat, but also all employees who risk injury if the threat were acted upon. The bill would not require businesses to file peace orders, but rather provides employers the opportunity to act on behalf of an employee should the need arise. With workplace violence on the rise, multiple other states have introduced or passed similar legislation to allow employers to better protect their employees.

SB105 promotes both workplace safety and employee productivity. Giving businesses the ability to promise greater safety to their employees would increase morale and alleviate the great stress and fear that is caused by threats of workplace violence. If passed, SB105 would ensure that individuals who face threats, and their coworkers, are able to maintain normalcy in their place of work. Stabilizing local businesses through such increased safety options benefits the entire community.

Thank you for your consideration. We urge a favorable report on SB105.

SB 105 Peace Orders Workplace Violence.pdf

Uploaded by: Siri, Michelle

Position: FAV



BILL NO: Senate Bill 105
TITLE: Peace Orders – Workplace Violence
COMMITTEE: Judicial Proceedings
HEARING DATE: January 28, 2021
POSITION: **SUPPORT**

Senate Bill 105 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**

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)



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

SB105 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 Senate Bill 105.

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.

Calvert Health- SB 105- Peace Order- Support.pdf

Uploaded by: Teague, Dean

Position: FAV



CalvertHealth Medical Center
100 Hospital Road
Prince Frederick, MD 20678

410.535.4000
301.855.1012
410.535.5630 TDD

CalvertHealthMedicine.org

January 11, 2021

Dear Chair and Members of the Committee,

Healthcare workers are bravely serving on the frontlines of the COVID-19 pandemic; yet, these same employees continue to face the threat of workplace violence. Across the country and in Maryland, healthcare workers face a higher risk of experiencing workplace violence than in private industry. In fact, healthcare workers face a four (4x) times greater chance of suffering violent acts while at work than others in private industry. This includes physical attacks and threats of assault. This is simply unacceptable, and I am urging you to act decisively on the Peace Order Bill (SB 105/HB 289) to protect our healthcare workers, as well as patients and families, from violence in our hospitals and healthcare settings. This has been a serious problem that continues to escalate, and something must be done.

I am proud to represent more than 1,200 CalvertHealth employees who face workplace violence at the hands of those we are trying to serve. At CalvertHealth Medical Center alone in the last three years, we have seen a 66 percent increase in verbal confrontations where an incident with a patient was escalating and security was needed. Emergency responses increased by 123 percent in that same three-year period in which a physical altercation was taking place and required security intervention.

Two incidents in October of this year bring to mind the urgency of this matter. A patient arriving at CalvertHealth via ambulance came into the Emergency Room yelling, cursing, and verbally threatening staff. Security was called, and the patient later struck a security guard in the face with a closed fist causing injury to the security guard. Earlier that same month, a female patient attempted to leave her room in the Emergency Department. Upon trying to leave, the patient was asked to return to her room by a nurse. The patient then struck the nurse.

This can no longer be allowed to continue. At a time when healthcare workers are already under stress caring for patients with COVID-19, I urge you to take action on the Peace Order Bill to stop this violence and demonstrate your commitment to our healthcare employees.

Respectfully,

A handwritten signature in blue ink, appearing to read "D Teague".

Dean Teague FACHE
President and CEO
Calvert Health System

SB 105 Peace Order_WPV_Favorable_MD SJPC January 2

Uploaded by: Tenney, Lisa

Position: FAV



Maryland State Council
Safe Practice Safe Care

To: Maryland Senate Judiciary Proceedings Committee 2021
House Office Building, Room 101
6 Bladen St., Annapolis, MD 21401

Senator William C. Smith Jr., *Chair*
Senator Jeff Waldstreicher, *Vice Chair*
Senator Jack Bailey
Senator Jill P. Carter
Senator Robert Cassilly
Senator Shelly Hettleman
Senator Michael Hough
Senator Michael A. Jackson
Senator Susan Lee
Senator Charles E. Sydnor, III
Senator Chris West

From: Maryland State Council of the Emergency Nurses Association

Date: January 24, 2020

Re: Maryland Emergency Nurses Association requests a FAVORABLE vote on
Senate Bill 105 - Peace Orders – Workplace Violence

Good day Chairman Smith, Vice Chair Waldstreicher, and members of the
Maryland Senate Judiciary Proceedings Committee,

My name is Lisa Tenney, and I am testifying on behalf of The Maryland State Council of the Emergency Nurses Association. We would like to thank Senator Sydnor for sponsoring SB 105 – Peace Orders- Workplace Violence again this year. This is a powerful piece of legislation for emergency nurses that will allow an employer to obtain a peace order to protect employees when violence occurs in the workplace. We especially like this bill because:

- It requires the employer to notify the employee before filing a peace order
- It provides immunity for the employer for filing the peace order

- It prohibits an employer from retaliating against an employee who was involved in the reason for the peace order
- It does not mandate that the employer file a peace order

Imagine that I am on duty in the Emergency Room (ER) and a patient does not like the fact that I am discharging her with a prescription for a non-opioid drug, instead of a prescription for an opioid drug she came to the ER to get.

Imagine that as I try to give her discharge instructions, she unexpectedly attacks me and punches me in the face and head, resulting in an eye injury, and a severe concussion. Imagine that while she is assaulting me, she screams, ***You better watch out you (expletive), because I'm gonna kill you. And make sure that (expletive) doctor knows that I'm coming after him, too!***

This happened to a Maryland Emergency Nurse this past year. Imagine the solace it would have given her and her colleagues if their employer could have filed a peace order against this patient to protect them and their innocent patients from possible further violence from this patient. Right now, employers do not have this tool in their workplace violence prevention toolbox. Your SB 105 favorable vote will put it there.

Sincerely,

Lisa Tenney

Lisa Tenney, BSN, RN, CEN, CPHRM
Chair, Government Affairs Committee
Maryland State Council Emergency Nurses Association
lctenney@gmail.com
240-731-2736
9226 Bluebird Terrace
Gaithersburg, MD 20879
District 39

SB 105 - Peace Orders - Workpalce Violence - MedSt

Uploaded by: Townsend, Pegeen A.

Position: FAV



SB 105 – Peace Orders – Workplace Violence

Position: *Support*

Bill Summary

SB 105 would: 1) authorize an employer to file a petition for a peace order for the benefit of an employee for certain act or threats against an employee at the employee's worksite; 2) shield the employee's address if disclosure would risk further harm to the employee; and 3) grant civil immunity to the employer from any civil liability that may result from the failure of the employer to file a petition for a peace order on behalf of an employee.

Bill Rationale

The bill is an important measure to promote the safety and well-being of individuals across the state and, more specifically, the health care workers in our state. The incidence of workplace violence in health care settings is on the rise and is pervasive.

According to the Occupational Safety and Health Administration (OSHA), approximately 75 percent of the nearly 25,000 workplace assaults reported annually occurred in health care and social service settings and workers in health care settings are four times more likely to be victimized than workers in other industries. The Bureau of Labor Statistics data show that violence-related injuries are four times more likely to cause health care workers to take time off from work than other kinds of injuries. Violence against health care workers occurs in virtually all settings, with the emergency department and inpatient psychiatric settings having the most recorded incidents.

Alarmingly, the actual number of violent incidents involving health care workers is likely much higher, because episodes of workplace violence are grossly underreported. Health care has several unique cultural factors that may contribute to underreporting or acceptance of workplace violence. For example, caregivers feel a professional and ethical duty to "do no harm" to patients. Some will put their own safety and health at risk to help a patient, and many health care professionals consider violence to be "part of the job."

Protecting our associates from the dangers of workplace violence is a key priority for MedStar Health. In 2017, MedStar Health established a Workplace Violence Prevention Committee that has:

- Developed and implemented a systemwide electronic system for reporting incidences of workplace violence;
- Developed a zero-tolerance policy for workplace violence;
- Trained over 2,400 associates working in three high risk areas (security, behavioral health, and emergency department) in de-escalation and physical skills;
- Implemented a new mandatory training module for all 36,000 associates on what efforts MedStar Health is undertaking to ensure the safety of associates and patients;

- Beginning in September 2019, de-escalation training for over 12,000 associates whose responsibilities place them in a position of dealing directly with patients, visitors and other members of the community;
- Produced and distributed video to educate all associates on MedStar Health's Active Shooter – Code Silver policy and procedures; and
- Provided personal wearable safety alarms.

While MedStar Health's comprehensive Workplace Violence Prevention Program has made strides in ensuring its associates are safe, SB 105 would provide another mechanism to help ensure their safety.

For the reasons above, we ask that you give SB 105 a ***favorable*** report.

SB 105- Peace Order- Workplace Violence- Support.p

Uploaded by: Witten, Jennifer

Position: FAV



Maryland
Hospital Association

Senate Bill 105- Peace Orders - Workplace Violence

Position: Support

January 28, 2021

Senate Judicial Proceedings Committee

MHA Position

On behalf of the Maryland Hospital Association's (MHA) 60 member hospitals and health systems, we appreciate the opportunity to comment in support of Senate Bill 105 - Peace Orders - Workplace Violence.

Hospitals are places of health and healing. Yet, violence occurs every day in health care settings. Of the 25,000 incidents reported across all workplaces annually, 75% occur in the health care or social service facilities, according to the Occupational Safety and Health Administration.¹ The risk of being a victim of workplace violence sadly is at least 20% higher for health care workers.² COVID-19 is likely to worsen the problem due to the anxiety and fear it causes.

The pandemic is taking an emotional and physical toll on our health care heroes, who have been saving lives on the front lines of the COVID pandemic for nearly a year. Ninety-three percent of health care workers are stressed, according to 2020 Mental Health America study. Violence also strains individuals and communities. When that violence extends into the workplace, it leads to higher staff turnover, lost productivity, absenteeism, deterioration of employee morale, and burnout.^{3,4,5}

As among the largest employers in their communities, Maryland hospitals strive to ensure employees feel protected. Yet, hospitals are limited in how they can legally protect employees on and off their campuses. Many issue trespass notices to individuals, who cause harm and/or threaten to incite violence. Unfortunately, the notice only applies to the hospital grounds and may not result in an arrest by law enforcement if violated. Employees assaulted or threatened at work, who live in the same community as the perpetrator, often fear pursuing legal action. An employee could encounter this individual on public transportation or at the local grocery store.

¹ The Joint Commission. (April 17, 2018). [Sentinel Event Alert: Physical and Verbal Violence Against Health Care Workers](#).

² Ibid.

³ Milliman Research Report. (July 26, 2017). [Cost of Community Violence to Hospitals and Health Systems: Report for the American Hospital Association](#).

⁴ Cleveland Clinic Journal of Medicine. (July 2020). [Burnout of Healthcare Providers During COVID-19](#).

⁵ Annals of Emergency Medicine. (October 2020). [Healing the Healer: Protecting Emergency Health Care Workers' Mental Health During COVID-19](#).

SB 105 offers an essential tool to protect our health care heroes and their workplace from violent individuals who threaten to return to the hospital to cause harm. Health care workers are often reluctant to report cases of workplace violence, and even more reluctant to pursue legal action, such as petitioning for a peace order. By allowing the employer to petition on an employee's behalf, hospitals can better protect their employees. It is important to note that often incidents of violence in hospitals impact multiple employees. As an employer, our goal is to protect all employees affected by violence.

Maryland hospitals are committed to protecting our employees and providing safe havens for staff, patients, and the community. We look forward to working with the Committee to move this important legislation forward to address a long-standing challenge at this critical time. We appreciate the committee's past support on this legislation and ask for a *favorable* report.

For more information, please contact:
Jennifer Witten, Vice President, Government Affairs
Jwitten@mhaonline.org

2021 MNA SB 105 Senate Side.pdf

Uploaded by: Wood, Charlotte

Position: FAV



Support
Senate Bill 105 – Peace Orders – Workplace Violence
Senate Judicial Proceedings Committee
January 28, 2021

The Maryland Nurses Association (MNA) strongly supports *Senate Bill 105 – Peace Orders – Workplace Violence*. The bill would establish a mechanism for employers to file peace orders on behalf of their employees to prevent workplace violence.

Addressing workplace violence is MNA's top priority. We have heard from countless Maryland nurses about the impact of workplace violence on their professional and personal lives. We believe that it is an epidemic, and the statistics support this conclusion. According to the Occupational Safety and Health Administration, 21% of nurses reported physical abuse, and this number is low because of underreporting. Surveys show that 30-50% of events are never reported in writing.ⁱ

We have partnered with the Maryland Hospital Association to form the Workplace Violence Prevention Collaborative. The goal of the collaborative is to identify and promote best practices in preventing and addressing workplace violence incidents. We have begun a rigorous initiative to identify those best practices.

We have identified that nurses and other health care employees are afraid of reporting any workplace violence incidents to law enforcement and the legal system. Over and over again, we have heard that nurses and their health care colleagues cannot shoulder the burden of navigating the legal system to file peace orders, as they are often traumatized after a workplace violence incident. This bill lifts that burden from them by allowing their employers to file a peace order.

It is important to note that twelve states have already enacted similar legislation: Arizona, Arkansas, California, Colorado, Georgia, Illinois, Indiana, Maine, North Carolina, Nevada, Rhode Island, and Tennessee.

We urge a favorable vote. If we can provide any assistance with this legislation, please contact Robyn Elliott at (443) 926-3443 or relliott@policypartners.net.

The Maryland Nurses Association, a constituent member association of the American Nurses Association (ANA), representing Maryland's professional nurses since 1904

Maryland Nurses Association
6 Park Center Court, Suite 212
Owings Mills, MD 21117
410-944-5800
Web Site: www.marylandrn.org

ⁱ OSHA 3826. Workplace Violence in Healthcare. Understanding the Challenge.
(2015).<https://www.osha.gov/Publications/OSHA3826.pdf>

MAJ Position Paper -- 2021 SB 105 -- Peace Orders.

Uploaded by: Tolley, George

Position: FWA



Maryland Association for Justice, Inc.

2021 Position Paper

Peace Orders – Workplace Violence SB 105 – FAVORABLE WITH AMENDMENT

The Maryland Association for Justice (MAJ) supports SB 105 with an amendment to clarify that, while the bill authorizes employers to file a petition for a peace order on behalf of their employees, the Legislature does not intend to impose a new legal duty upon employers to file such petitions.

Under current law, a person may file a petition for a peace order under circumstances where the person has been subjected to certain objectionable conduct enumerated in Md. Cts. & Jud. Procs. Code Ann. § 3-1503. SB 105 authorizes an employer to seek a peace order on behalf of an employee under the same circumstances.

However, SB 105 further provides (at page 4, lines 30-32) that “an employer shall be immune from any civil liability that may result from the failure of the employer to file a petition on behalf of an employee under the provisions of this subtitle.” This language is too broad.

Civil liability for damages requires all of the following: (a) a person has a legal duty to act, (b) the person fails to act in accordance with his or her legal duty, and (c) the failure to act causes harm to another person. Under current law, employers have no exposure to civil liability because they have no legal duty (indeed, they have no authority) to file a petition for a peace order on behalf of an employee.

Authorizing employers to file petitions for peace orders on behalf of their employees, SB 105 empowers employers to act on behalf of their employees, *but it does not impose a legal duty upon employers to do so.*

A legal duty to act may arise in ways other than by statute – *e.g.*, by contract, or (more commonly) as customs and practices change over time. By granting immunity (as opposed to limiting the imposition of a new legal duty), SB 105 ***precludes forever*** the possibility that such an enforceable legal duty could ever arise, by contract or otherwise.

To allow the law to evolve naturally, SB 105 must be amended, so that employers have ***statutory authority*** to file a petition for a peace order on behalf of employees, ***but no statutory duty*** to act.

The Maryland Association for Justice requests that the immunity language in SB 105 (page 4, lines 30-32) be amended to clarify that SB 105 does not impose a duty to file a petition for peace order on behalf of an employee.

SB 105 -- Proposed Amendment -- Peace Orders -- Wo

Uploaded by: Tolley, George

Position: FWA

SENATE BILL 105
PEACE ORDERS – WORKPLACE VIOLENCE

PROPOSED AMENDMENT

1. Strike page 4, lines 30-32, and replace with the following language:

(2) NOTHING IN THIS SUBTITLE CREATES OR IMPOSES A DUTY
REQUIRING AN EMPLOYER TO FILE A PETITION ON BEHALF OF AN
EMPLOYEE UNDER THE PROVISIONS OF THIS SUBTITLE.

RATIONALE FOR THE AMENDMENT

Under current law, a person may file a petition for a peace order under circumstances where the person has been subjected to certain objectionable conduct enumerated in Md. Cts. & Jud. Procs. Code Ann. § 3-1503. SB 105 simply authorizes an employer to seek a peace order on behalf of an employee under the same circumstances.

However, SB 105 further provides (at page 4, lines 30-32) that “an employer shall be immune from any civil liability that may result from the failure of the employer to file a petition on behalf of an employee under the provisions of this subtitle.” This language goes too far.

In general, civil liability for damages requires all of the following: (a) a person has a legal duty to act, (b) the person fails to act in accordance with his or her legal duty, and (c) the failure to act causes harm to another person. Under current law, employers have no exposure to civil liability for failing to file a petition for a peace order on behalf of an employee because they have no legal duty or authority to file such a petition.

SB 105 authorizes employers to file petitions for peace orders on behalf of their employees, *but does not impose a legal duty upon employers to do so*. The proposed amendment eliminates an overbroad immunity provision with language that does nothing more or less than what the bill is intended to do.

Legal duties to act may arise in ways other than by statute – *e.g.*, by contract, or (more commonly) as customs and practices change over time. By granting immunity (as opposed to limiting the imposition of a new legal duty), SB 105 would forever preclude the possibility of civil liability arising from duties created by contract or otherwise. Accordingly, the immunity language in SB 105 is overbroad, and should be clarified.