

EMPLOYER SOUGHT WORKPLACE ANTI-HARASSMENT PROTECTION ORDERS

Issue

Victims of sexual assault, domestic violence, and stalking can experience threats to their safety from perpetrators at their workplace. A perpetrator may monitor, threaten, harass, or seek to harm the victim or other employees at the victim's place of employment.

Current Washington State law provides for civil protection orders that a victim of domestic violence, sexual assault or stalking can petition for. These orders can provide a victim with protections for their place of employment. These orders, however, do not provide protections for the employer or other employees.

To date, 10 other states have enacted laws allowing employers to apply for anti-harassment orders to prevent violence, harassment, or stalking of their employees. Such civil harassment orders are designed to stop violent and harassing behavior in the workplace and to protect an employer, employees, and other people present in the workplace. They are also intended to prohibit the offender from coming near the employer's property or place of business.

We support the ability of an employer to file on behalf of their employees only when victims have been consulted and agree to the petition and where victim job protections prohibiting employer retaliation against victims are established.

Due to the seriousness of victimization and victim safety needs, it is imperative that an employer seeking an order consult with the employee who is the target of the violence prior to seeking the order. An employer's decision to seek an order should not be made without victim consultation and consent. The victim must be afforded the opportunity to express their wishes, concerns and identify safety risks. An employer seeking an order against a victim's wishes could pose a serious safety risk for the victim and potentially other employees. A protection order could exacerbate the situation and escalate the perpetrator's actions.

Employers should work with victims to help address and support workplace safety needs. Employers should be held accountable to victim consent requirements and be prohibited from taking adverse actions toward an employee for not consenting to an order or for being the target of unlawful harassment.

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Solution

Allow employers to petition the court for a civil anti-harassment protection order to restrain a person from engaging in unlawful harassment affecting the workplace. Employers must notify employees that they are filing for orders on their behalf, and in cases involving domestic violence, sexual assault, or stalking, the employer must obtain the consent of the employee prior to filing. Employers must be prohibited from taking adverse actions toward an employee for refusing consent or being the target of violence.

Contact:
Andrea Piper-Wentland
Washington Coalition of Sexual Assault Programs
4317 6th Ave SE - Olympia, WA 98503
(360) 754-7583 - policy@wcsap.org