

Workplace Stalking: An Increasing Reality for Employers

According to the Bureau of Justice Statistics, “14 out of 1,000 persons age 18+ are victims of stalking, 46% of victims experienced unwanted contact from their stalkers on a weekly basis, 11% of victims have been stalked for 5 or more years, 44% of stalking incidents turn into incidents of workplace violence, and nearly 3 out of 4 victims knew their stalker” (www.bjs.gov). So, what is stalking? Stalking is an intense form of harassment and can occur both inside and outside the workplace. It is a pattern of behavior that can include:

- Following the victim.
- Lying in wait.
- Threatening to harm the victim or their friends, family, or pets.
- Sending unwanted gifts or packages.
- Defaming the victim’s character.
- Lying to others to obtain information about the victim.

Stalking can also be carried out through technology. This is referred to as ‘cyberstalking,’ and it can be especially challenging because the victim never actually *sees* their stalker. Examples of cyberstalking can include using GPS to track the victim’s location; gathering information through computer spyware or the internet; posing as the victim online; sending unwanted emails or messages to the victim; or posting false information about the victim online.

All states have criminal laws making stalking a felony. Under New Jersey’s Title 2C, stalking is defined as “repeatedly maintaining a visual or physical proximity . . .; following monitoring, observing, surveilling, threatening, or communicating . . .; repeatedly committing harassment; or repeatedly conveying verbal or written threats or threats conveyed by any other means of communication . . .” Repeatedly means the behavior has occurred on two or more occasions. Stalking is considered a crime of the fourth degree in New Jersey and it delivers a sentence of up to 18 months in prison and a fine of up to \$10,000. However, if the stalker violates an existing court order prohibiting the behavior, the charge may be classified as a crime in the third degree, which carries a sentence of up to 5 years in prison and a fine of up to \$15,000.

The reality of workplace stalking is that it makes it easier for the stalker because they have access to their victim. They are more easily able to leave gifts or take tokens from their victim, monitor their victim, be near their victim, or access personal information through workplace files. But at first glance, some of these activities *could* be seemingly harmless. So, how do you know if you are being stalked?

The key is to determine whether you are changing your behaviors to avoid someone who is exhibiting behaviors like we previously discussed. Do you take a different route home from work? Do you park your car in a different spot? Have you stopped taking walks during your lunch break? Are you refraining from any other activities for fear of seeing this person? If you answered yes, you are probably being stalked.

While stalkers tend to know their victim personally, this isn’t always necessarily true. However, there is one thing all stalkers tend to have in common – a preoccupation or fascination with their victim. Stalkers typically fall into one of three categories. The most common type of stalker is someone previously engaged in a romantic relationship with the victim. The objective for this stalker is either to attempt to reestablish the relationship or retaliate because of the break-up. The other type of stalker never had a relationship with their victim but is very much interested in pursuing one. The third type of stalker believes they are in a relationship with the victim despite evidence to the contrary.

Stalking can manifest in the workplace in different ways. Employees may be stalked by a client. In this instance, it is much easier for the stalker, because they are most likely aware of the employee's work schedule, location, email, and mobile number, due to the professional relationship. An employee may also be stalked by a co-worker. However, when an *external* stalking situation follows an employee to work, the risk of workplace violence increases.

It's important for employers to know they have a legal responsibility to protect their employees against workplace violence. OSHA's General Duty Clause requires employers to maintain a workplace free from recognized hazards that are causing or likely to cause death or serious physical harm. You may be thinking, "We HAD a workplace free from hazards. We didn't invite the stalker in. We feel bad, but it's not our fault one of our employees is being stalked." Fault is irrelevant. Once stalking finds its way into the workplace, the employer must take action to protect their employees.

What can an employer do to protect their employees?

- First, develop a well-written stalking prevention policy. This can be inserted into an existing harassment policy, workplace violence policy, or employee behavior policy. It should include a description of stalking behaviors, and a statement that these behaviors are considered inappropriate and will not be tolerated. They should contain clear and simply stated directions for reporting instances of stalking, as well as a statement about how your organization will deal with instances of stalking. The clearer you make your stalking policy, the more likely victims will come forward to make a report. Once you develop policies, all employees should be educated through frequent, regular training.
- Next, educate supervisors and managers to take all stalking allegations seriously. The victim should feel they are able to speak with someone without judgement.
- Once an employer becomes alerted to a stalking incident, staff and security personnel must also be alerted so they can keep a watchful eye and report suspicious activity.
- Keep private information private! Have a conversation with your employees about keeping personal information, work locations, mobile numbers, and private residence information confidential. Gatekeepers need to know who is authorized to receive private information and under what circumstances.
- The public should not have the ability to freely wander about your workplace. All guests should be instructed to wait in the reception area until someone can escort them to where they need to go. Doors to administrative offices and program rooms should be locked from the outside.
- Consider allowing a victim of stalking the flexibility of changing their schedule or even work location. This will throw off the stalker. However, once you change their schedule or location, that information must be kept private.
- Try to maintain adequate staffing; especially on overnight shifts, if possible.
- Maintain a relationship with your local law enforcement by inviting them out to conduct a walk-through and discuss security suggestions. Provide them with a current building schematic to keep on file in the event of an emergency. Know their response time in the event of a situation.
- Install security cameras and/or alarms. Consider installing panic buttons at the reception desk or provide employees with panic buttons on wearable lanyards. When pressed, these route directly to law enforcement and dispatch help.
- Keep exterior doors locked from the outside. That means not allowing employees to prop them open during breaks.
- Maintain adequate exterior lighting; especially around the building perimeter, parking lot, and stairwells.

If your organization is faced with a situation where one employee alleges a co-worker is stalking them, there are critical steps you need to take. First, promptly investigate the allegation. During the investigation, it is important to listen to both sides non-judgmentally. Remember, everyone is innocent until proven guilty! Never excuse behavior or dismiss reports. This will only discourage other victims from making a report. Before scheduling any type of mediation, reach out to the victim to see if they are comfortable doing so. Coming face to face with their stalker could cause further trauma to the victim. During interviews, take detailed notes and ask open-ended questions.

If you are a victim of stalking, there are things **YOU** can do that will help you take control, such as:

- Call law enforcement if you ever feel your life is in danger. Never second guess yourself. Trust your instincts!
- This is not something you should keep to yourself. If you feel you are being stalked, tell your supervisor or HR manager so they can take protective measures. Remember, if the stalker follows you to work, it now affects the safety and lives of your co-workers.
- Connect with an advocate. Seek out assistance with your local domestic violence or sexual assault agencies, local police department, or district attorney's office. They are equipped to provide you with information on local stalking laws and can assist you in filing a protective order.
- Maintain a log of any contact made by the stalker, including any phone calls, hang-ups, sightings, text messages, or emails. Take a screenshot of text messages, save all voicemails, and take photos of any items that were left for you.
- It is important to end **ALL** contact with the stalker. Any form of response will only encourage the stalker to continue communication.
- Secure your private information on social media and only accept friend requests from people you know and trust.

Remember, always trust your instincts! If you feel you are a victim of stalking, please contact one of the national or local crisis hotlines below:

National Center for Victims of Crime: (202) 467-8700

National Dating Abuse Helpline: (866) 331-9474

Stalking Victim Help & Assistance in NJ: (888) 988-0736

<https://crimevictimcompensation.com/stalking-victim-assistance/new-jersey/>

NJ State Office of Victim Witness Advocacy:

<https://www.nj.gov/lps/dcj/victimwitness/hotlines.htm>

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