



What Oregon Employers Need To Know About Stalking

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A recent Oregon Court of Appeals case highlights the trouble that employers may encounter if they don't deal with issues related to stalking at the workplace. Employers that learn of stalking situations at their workplaces have certain legal obligations that need to be taken into consideration.

Under Oregon state law, "stalking" refers to repeated and unwanted contact that alarms victims into reasonable concern over their own personal safety. Employers may be on the hook for negligent supervision or negligent retention of an employee if they fail to effectively supervise and monitor the workforce to prevent such troubles. In the worst-case scenario, where actual injury results from such behavior, employers may be liable under a vicarious liability theory for assault and battery.

For these reasons, employers need to take reports of concern seriously and monitor them just as they would any other reports of possible workplace violence. Swift and thorough investigations are required when concerns arise, and preventive training and effective policies can help eliminate concerns before they even arise.

Oregon law provides substantial protections for employees who are victims of stalking (as well as domestic violence and sexual assault).

First and foremost, stalking victims are entitled to protection from job discrimination based on their status as victim. An employer can still enforce its normal disciplinary policies and expect quality work from employees, but it cannot either fire an employee or retaliate against the person because a stalking problem exists.

Second, employers must provide reasonable workplace safety accommodations for stalking victims. This might include transfer or reassignment to a different position, a modified schedule, changing a work station or phone number, or other similar measures designed to address employee safety concerns.

Finally, Oregon law requires that most employers (those with at least six employees) provide employees with reasonable unpaid leave from work to address safety matters related to stalking.

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Richard R. Meneghello
Chief Content Officer
503.205.8044
[Email](#)