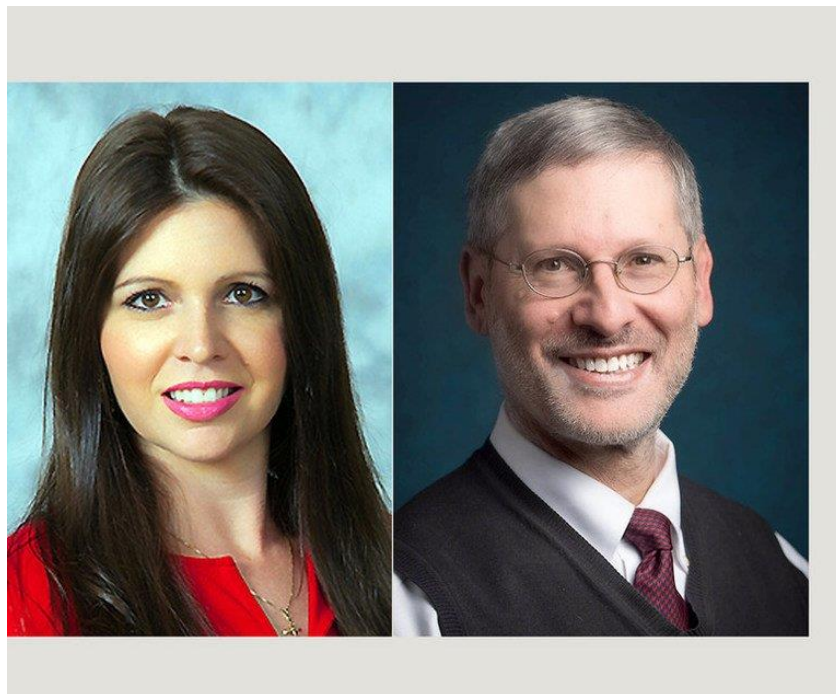


Defining Danger if Social Workers Act as Police Officers

How might this apply to social workers who are increasingly being called upon to replace the police? When might social workers have the legal right to refuse to engage in work they believe to be dangerous? What other legal issues might this give rise to?

By Christine M. Sarteschi and Daniel Pollack | July 15, 2021



On its [website](#), the U.S. Department of Labor, Occupational Safety and Health Administration, provides this advice regarding “Workers’ Right to Refuse Dangerous Work”:

“If you believe working conditions are unsafe or unhealthful, we recommend that you bring the conditions to your employer’s attention, if possible. You may file a complaint with OSHA concerning a hazardous working condition at any time. However, you should not leave the worksite merely because you have filed a complaint. If the condition clearly presents a risk of death or serious physical harm, there is not sufficient time for OSHA to inspect, and, where possible, you have brought the condition to the attention of your employer, you may have a legal right to refuse to work in a situation in which you would be exposed to the hazard.”

How might this apply to social workers who are increasingly being called upon to replace the police? When might social workers have the legal right to refuse to engage in work they believe to be dangerous? What other legal issues might this give rise to?

In 1980, the U.S. Supreme Court unanimously ruled that companies cannot discriminate against workers that refuse to perform hazardous work. In *Whirlpool v. Marshall*, 445 U.S. 1 (1980), the court held that workers have the right to refuse work that endangers their health and safety, as long as it is done in good faith. Good faith can be interpreted as an honest belief that the job was unsafe and unusually and objectively dangerous.

A 2019 issue brief by the National Association of Social Workers (NASW) indicates that between 2011 and 2013,

there were 23,000 workplace assaults, the majority of which occurred in healthcare and social service settings. The brief also notes that the Bureau of Labor Statistics found that in 2018, health and social service workers were nearly five times more likely to suffer serious workplace injury when compared to workers in other sectors.

The commercial broadcast television and radio network, Columbia Broadcasting System (CBS), includes social workers on its list of the country's 20 deadliest jobs (20th). Three cases highlight the dangers with the job. In November 2020, a Seattle man stabbed his caseworker Kristin Benson to death. Just one month later, a Florida man premeditated the execution of his social worker, Travis Knight. A 2017 case involved a woman upset about losing custody of her children. In response, she shot a social worker to death in the parking lot of a child protective service agency.

The canary in the proverbial coal mine might be child protection services workers (CPW). In some respects, they have been operating under a co-responder model with law enforcement for many years. Both operate in communities, deal with involuntary clients, and interventions may result in unpleasant consequences—all of which can lead to violent reactions.

Statistics show that CPW workers face greater threats of violence than most other fields of practice. The majority of

CPW workers reported experiencing physical violence; 72% reported being threatened. Another study indicated that on average, 50% have meetings with hostile families each week.

Despite the high level of client violence, CPW workers often do not perceive it that way. The minimalization of violence is likely a problem for many in the helping professions, particularly social workers who often worry that the acknowledgement of violence unfairly stigmatizes clients or even leads to more violence. Many see violence as “part of the job.” Some even view it as a “call for help” from clients and subsequently minimize the potential for client violence. This only increases the potential for harm and the development of effective interventions.

You can't prevent something when you fail to recognize it as a problem.

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