

HOUSE BILL 1596

K3

8lr2970
CF SB 1010

By: **Delegates Valderrama, Anderson, Angel, Atterbeary, Barkley, B. Barnes, D. Barnes, Barron, Barve, Beidle, Branch, Brooks, Carr, Chang, Clippinger, Cullison, Davis, Dumais, Fennell, Flanagan, Fraser–Hidalgo, Frick, Frush, Gaines, Gibson, Gilchrist, Glass, Glenn, Gutierrez, Healey, Hettleman, Hill, Hixson, C. Howard, Jackson, Jones, Kaiser, Kelly, Korman, Kramer, Lafferty, J. Lewis, R. Lewis, Lierman, Lisanti, Mautz, McIntosh, McMillan, A. Miller, Moon, Morales, Mosby, Pena–Melnik, Pendergrass, Proctor, Queen, Reznik, Rosenberg, Sample–Hughes, Sanchez, Simonaire, Stein, Tarlau, Turner, Valentino–Smith, Waldstreicher, Walker, A. Washington, M. Washington, Wilkins, and K. Young**

Introduced and read first time: February 9, 2018

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Sexual Harassment – Contractual Waivers and**
3 **Reporting Requirements**

4 FOR the purpose of providing that a provision in certain employment contracts, policies, or
5 agreements that waive certain rights or remedies to a claim of sexual harassment,
6 discrimination, or retaliation is null and void as being against the public policy of
7 the State; prohibiting an employer from taking certain adverse actions against
8 certain employees; providing that certain employers are liable for certain attorney’s
9 fees; requiring certain employers to submit a certain report to the Commission on
10 Civil Rights on or before a certain date each year; requiring the Commission to
11 publish and make accessible to the public on the Commission’s website certain
12 reports; defining certain terms; providing for the application of this Act; and
13 generally relating to sexual harassment in the workplace.

14 BY adding to
15 Article – Labor and Employment
16 Section 3–715
17 Annotated Code of Maryland
18 (2016 Replacement Volume and 2017 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – State Government

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 20–101(a) and (b)
2 Annotated Code of Maryland
3 (2014 Replacement Volume and 2017 Supplement)

4 BY adding to
5 Article – State Government
6 Section 20–208
7 Annotated Code of Maryland
8 (2014 Replacement Volume and 2017 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
10 That the Laws of Maryland read as follows:

11 **Article – Labor and Employment**

12 **3–715.**

13 **(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PROVISION**
14 **IN AN EMPLOYMENT CONTRACT, POLICY, OR AGREEMENT THAT WAIVES ANY FUTURE**
15 **SUBSTANTIVE OR PROCEDURAL RIGHT OR REMEDY TO A CLAIM OF SEXUAL**
16 **HARASSMENT, DISCRIMINATION, OR RETALIATION IS NULL AND VOID AS BEING**
17 **AGAINST THE PUBLIC POLICY OF THE STATE.**

18 **(2) PARAGRAPH (1) OF THIS SECTION MAY NOT BE CONSTRUED TO**
19 **APPLY TO THE TERMS OF A COLLECTIVE BARGAINING AGREEMENT.**

20 **(B) (1) AN EMPLOYER MAY NOT TAKE ADVERSE ACTION AGAINST AN**
21 **EMPLOYEE BECAUSE THE EMPLOYEE FAILS OR REFUSES TO ENTER INTO AN**
22 **AGREEMENT THAT CONTAINS A WAIVER THAT IS VOID UNDER SUBSECTION (A) OF**
23 **THIS SECTION.**

24 **(2) ADVERSE ACTION PROHIBITED UNDER THIS SUBSECTION**
25 **INCLUDES:**

26 **(I) FAILURE TO HIRE;**

27 **(II) DISCHARGE;**

28 **(III) SUSPENSION;**

29 **(IV) DEMOTION;**

30 **(V) DISCRIMINATION IN THE TERMS, CONDITIONS, OR**
31 **PRIVILEGES OF EMPLOYMENT; OR**

1 renewed on or after the effective date of this Act.

2 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2018.