



State of Maryland Commission on Civil Rights

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February 21, 2024

House Bill 0602 – Employment Discrimination – Sexual Orientation

POSITION: Support

Dear Chair Wilson, Vice Chair Crosby, and Members of the House Economic Matters Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, health services and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

HB 0602 addresses the August 14, 2023, Supreme Court of Maryland decision in the case of *John Doe v. Catholic Relief Services* which held that the Maryland Equal Pay for Equal Work Act (MEPEWA), Md. Code Ann., Lab. & Empl. §3-304 does not include a prohibition against sexual orientation discrimination. MEPEWA prohibits wage discrimination based on “sex” and “gender identity”. John Doe had argued before the Court that unlawful wage discrimination due to “sex” in the MEPEWA also encompass “sexual orientation” within its definition consistent with federal law.

Relying on the plain language of the statute and its long legislative history, the Supreme Court of Maryland ruled that “pay disparities based on “sex” did not encompass “sexual orientation”. HB 0602 addresses the Court’s holding by specifically adding “sexual orientation” as a protected basis against unlawful pay disparities by amending Lab. & Empl. Article, §3-304, prohibition against wage discrimination.

For these reasons, the Maryland Commission on Civil Rights urges a favorable vote on HB 0602. Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.

“Our vision is to have a State that is free from any trace of unlawful discrimination.”

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