

FAVORABLE WITH AMENDMENTS
Senate Bill 233
Employment Standards, Prevailing Wage, and Living Wage – Employer
Adverse Actions – Prohibition

Senate Finance Committee
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The Maryland State Education Association supports Senate Bill 233 with amendments. Senate Bill 233 prohibits an employer from taking or threatening to take adverse retaliatory actions against an employee because the employee engages in certain conduct regarding rights and responsibilities, complaints, investigations, proceedings, or hearings in connection with specified state employment statutes. Additionally, the legislation authorizes the Commissioner of Labor to investigate a violation of the law on their own initiative or after receiving a written complaint, attempt to resolve disputes informally through mediation, and obtain recovery for employees who have been harmed under the law. Finally, the legislation provides methods for recovery if an employer does not comply with an order issued by the Commissioner.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our almost 900,000 students so they can pursue their dreams. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3-million-member National Education Association (NEA).

Anti-retaliation statutory protections are necessary to ensure employees are free from intimidation, coercion, harassment, or economic harm when they seek to assert their rights under the law. Retaliation can take many forms including firing, demotion, reduction in pay or benefits, unfavorable scheduling or hours change, harassment, or



threatening to report a worker or their family to immigration authorities.¹ Unfortunately, survey data reveals that workers are frequently subjected to retaliatory actions from their employer or fear retaliation from their employer for seeking to assert their rights under various labor and employment laws, such as forming a union, reporting wage and hour violations, filing anti-discrimination claims, or raising workplace health and safety concerns.² Retaliatory actions carried out by employers against their employees can have a chilling effect in the workplace, which may dissuade workers from reporting violations, participating in investigations, or attending hearings. This legislation represents a crucial step forward to make certain workers are free from retaliation when they seek to assert their rights under various state labor and employment statutes.

MSEA respectfully urges the committee to extend the protections of this Act to claims involving the Maryland Wage Payment and Collection Law.

We urge the committee to issue a Favorable with Amendments report on Senate Bill 233.

¹ Laura Huizar, *Exposing Wage Theft Without Fear: States Must Protect Workers from Retaliation*, National Employment Law Project (June 2019), <https://s27147.pcdn.co/wp-content/uploads/Retal-Report-6-26-19.pdf>.

² *Id.* See also, Annette Bernhardt, et al. *Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities* (2009), <https://www.nelp.org/wp-content/uploads/2015/03/BrokenLawsReport2009.pdf>.