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By: Delegates Hixson, Marriott, Petzold, Kagan, Pitkin, Mandel, and Snodgrass

Introduced and read first time: February 2, 1996 Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 Sexual Harassment - Education and Training in the Workplace

3	rok the purpose of requiring employers to provide their employees with certain
4	information concerning sexual harassment; specifying the formats to be used when
5	presenting certain information; specifying the information to be presented;

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- 6 specifying the literary standards to be used when presenting certaininformation;
- specifying the interary standards to be used when presenting certaininformation,
- 7 requiring the Human Relations Commission to provide certain employers upon
- 8 request with certain materials presenting certain information at a certain price;
- 9 permitting the reproduction of certain materials presenting certain information;
- specifying when certain information must be provided; specifying themanner in
- which certain information must be presented; requiring employers to conduct certain types of education and training programs for certain employees under
- certain types of education and training programs for certain employees under
- certain circumstances; specifying when such education and training programs must be conducted; defining certain terms; and generally relating to the education and
- training of employees concerning sexual harassment in the workplace.

16 BY adding to

- 17 Article 49B Human Relations Commission
- 18 Section 43 and 44 to be under the new subtitle "Sexual Harassment Education and
- 19 Training in the Workplace"
- 20 Annotated Code of Maryland
- 21 (1994 Replacement Volume and 1995 Supplement)
- 22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 23 MARYLAND, That the Laws of Maryland read as follows:

24 Article 49B - Human Relations Commission

- 25 SEXUAL HARASSMENT EDUCATION AND TRAINING IN THE WORKPLACE
- 26 43.
- 27 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS 28 INDICATED.
- 29 (B) "COMMISSION" MEANS THE COMMISSION ON HUMAN RELATIONS.

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	(C) "EMPLOYEE" MEANS ANY PERSON ENGAGED TO WORK ON A STEADY OR REGULAR BASIS, WHETHER FULL-TIME OR PART-TIME, BY AN EMPLOYER LOCATED OR DOING BUSINESS IN THE STATE.		
6	(D) (1) "EMPLOYER" MEANS ANY PERSON, PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, EMPLOYMENT AGENCY, LABOR ORGANIZATION, JOINT APPRENTICESHIP COMMITTEE, OR OTHER LEGAL ENTITY, PUBLIC OR PRIVATE, THAT IS LOCATED OR DOING BUSINESS IN THE STATE.		
8	(2) "EMPLOYER" INCLUDES:		
	(I) ANY PERSON, PARTNERSHIP, FIRM, ASSOCIATION OR CORPORATION ACTING IN THE INTEREST OF ANY EMPLOYER, DIRECTLY OR INDIRECTLY; AND		
12	(II) THE STATE IN ITS CAPACITY AS AN EMPLOYER.		
	3 (E) "SEXUAL HARASSMENT" MEANS ANY UNWELCOME SEXUAL ADVANCES, 4 REQUESTS FOR SEXUAL FAVORS, AND OTHER VERBAL OR PHYSICAL CONTACT OF A 5 SEXUAL NATURE WHEN:		
16 17	(1) SUBMISSION TO SUCH CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY A TERM OR CONDITION OF AN INDIVIDUAL'S EMPLOYMENT;		
	(2) SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY AN INDIVIDUAL IS USED AS A BASIS FOR EMPLOYMENT DECISIONS AFFECTING SUCH INDIVIDUAL; OR		
	(3) SUCH CONDUCT HAS THE PURPOSE OR EFFECT OF UNREASONABLY INTERFERING WITH AN INDIVIDUAL'S WORK PERFORMANCE OR CREATING AN INTIMIDATING, HOSTILE, OR OFFENSIVE WORKING ENVIRONMENT.		
24	44.		
25 26	(A) (1) ALL EMPLOYERS MUST ACT TO ENSURE A WORKPLACE FREE OF SEXUAL HARASSMENT BY:		
27 28	(I) POSTING, IN A PROMINENT AND ACCESSIBLE LOCATION IN THE WORKPLACE, A POSTER THAT DETAILS:		
29	1. THE ILLEGALITY OF SEXUAL HARASSMENT;		
30	2. EXAMPLES OF SEXUAL HARASSMENT;		
31 32	3. THE COMPLAINT PROCESS AVAILABLE THROUGH THE COMMISSION; AND		
33 34	4. DIRECTIONS ON HOW TO CONTACT THE COMMISSION; AND		
35 36	(II) PROVIDING ALL EMPLOYEES WITH ANNUAL WRITTEN NOTICE THAT DETAILS:		

1. THE ILLEGALITY OF SEXUAL HARASSMENT;

HOUSE BILL 889 3 1 2. THE DEFINITION OF SEXUAL HARASSMENT UNDER STATE 2 LAW: 3 3. EXAMPLES OF SEXUAL HARASSMENT; 4. THE INTERNAL COMPLAINT PROCESS AVAILABLE TO THE 5 EMPLOYEE; 5. THE LEGAL RECOURSE AND COMPLAINT PROCESS 6 7 AVAILABLE THROUGH THE COMMISSION; 8 6. DIRECTIONS ON HOW TO CONTACT THE COMMISSION; 9 AND 10 7. THE PROTECTION AGAINST RETALIATION PROVIDED 11 UNDER § 16(F) OF THIS ARTICLE. (2) (I) THE TEXT OF THE POSTER REQUIRED UNDER THIS 13 SUBSECTION MAY NOT EXCEED A SIXTH GRADE READING LEVEL. 14 (II) UPON REQUEST, THE COMMISSION MUST PROVIDE 15 EMPLOYERS WITH THE REQUIRED POSTER, AT A PRICE THAT REFLECTS THE COST, 16 AS DETERMINED BY THE COMMISSION. (III) A POSTER THAT HAS BEEN PROVIDED TO AN EMPLOYER BY 17 18 THE COMMISSION MAY BE REPRODUCED. (3) THE NOTICE REQUIRED UNDER PARAGRAPH (1)(II) OF THIS 19 20 SUBSECTION MUST BE: 21 (I) PROVIDED INITIALLY NO LATER THAN JANUARY 1, 1997; AND 22 (II) DELIVERED IN A MANNER THAT ENSURES INDIVIDUAL NOTICE 23 TO ALL EMPLOYEES WITHOUT EXCEPTION, SUCH AS INCLUDING THE NOTICE WITH 24 AN EMPLOYEE'S PAY. 25 (B) (1) IN A WORKPLACE WITH 15 OR MORE EMPLOYEES, THE EMPLOYER 26 MUST: 27 (I) CONDUCT AN EDUCATION AND TRAINING PROGRAM FOR ALL 28 NEW EMPLOYEES THAT DETAILS: 29 1. THE ILLEGALITY OF SEXUAL HARASSMENT; 2. THE DEFINITION OF SEXUAL HARASSMENT UNDER STATE 30 31 AND FEDERAL LAWS AND REGULATIONS: 3. EXAMPLES OF SEXUAL HARASSMENT; 32

5. THE LEGAL RECOURSE AND COMPLAINT PROCESSAVAILABLE THROUGH THE COMMISSION;

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34 EMPLOYEE;

4. THE INTERNAL COMPLAINT PROCESS AVAILABLE TO THE

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1 2 AND	6. DIRECTIONS ON HOW TO CONTACT THE COMMISSION;
3 4 UNDER	7. THE PROTECTION AGAINST RETALIATION PROVIDED \S 16(F) OF THIS ARTICLE; AND
7 THE ME	(II) CONDUCT ADDITIONAL TRAINING FOR SUPERVISORY AND ERIAL EMPLOYEES THAT DETAILS THEIR SPECIFIC RESPONSIBILITIES AND ASURES THEY MUST TAKE TO ENSURE IMMEDIATE AND APPROPRIATE CTIVE ACTION IN ADDRESSING SEXUAL HARASSMENT COMPLAINTS.

- 9 (2) THE EDUCATION AND TRAINING PROGRAMS REQUIRED UNDER 10 THIS SUBSECTION MUST BE CONDUCTED WITHIN 1 YEAR OF THE DATE AN
- 11 EMPLOYEE OR SUPERVISOR BEGINS EMPLOYMENT.
- 12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 13 October 1, 1996.