
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 FOR 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;
6 specifying the literary standards to be used when presenting certain information;
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;
10 specifying when certain information must be provided; specifying the manner in
11 which certain information must be presented; requiring employers to conduct
12 certain types of education and training programs for certain employees under
13 certain circumstances; specifying when such education and training programs must
14 be conducted; defining certain terms; and generally relating to the education and
15 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.

2

1 (C) "EMPLOYEE" MEANS ANY PERSON ENGAGED TO WORK ON A STEADY OR
2 REGULAR BASIS, WHETHER FULL-TIME OR PART-TIME, BY AN EMPLOYER LOCATED
3 OR DOING BUSINESS IN THE STATE.

4 (D) (1) "EMPLOYER" MEANS ANY PERSON, PARTNERSHIP, FIRM,
5 ASSOCIATION, CORPORATION, EMPLOYMENT AGENCY, LABOR ORGANIZATION,
6 JOINT APPRENTICESHIP COMMITTEE, OR OTHER LEGAL ENTITY, PUBLIC OR
7 PRIVATE, THAT IS LOCATED OR DOING BUSINESS IN THE STATE.

8 (2) "EMPLOYER" INCLUDES:

9 (I) ANY PERSON, PARTNERSHIP, FIRM, ASSOCIATION OR
10 CORPORATION ACTING IN THE INTEREST OF ANY EMPLOYER, DIRECTLY OR
11 INDIRECTLY; AND

12 (II) THE STATE IN ITS CAPACITY AS AN EMPLOYER.

13 (E) "SEXUAL HARASSMENT" MEANS ANY UNWELCOME SEXUAL ADVANCES,
14 REQUESTS FOR SEXUAL FAVORS, AND OTHER VERBAL OR PHYSICAL CONTACT OF A
15 SEXUAL NATURE WHEN:

16 (1) SUBMISSION TO SUCH CONDUCT IS MADE EITHER EXPLICITLY OR
17 IMPLICITLY A TERM OR CONDITION OF AN INDIVIDUAL'S EMPLOYMENT;

18 (2) SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY AN
19 INDIVIDUAL IS USED AS A BASIS FOR EMPLOYMENT DECISIONS AFFECTING SUCH
20 INDIVIDUAL; OR

21 (3) SUCH CONDUCT HAS THE PURPOSE OR EFFECT OF UNREASONABLY
22 INTERFERING WITH AN INDIVIDUAL'S WORK PERFORMANCE OR CREATING AN
23 INTIMIDATING, HOSTILE, OR OFFENSIVE WORKING ENVIRONMENT.

24 44.

25 (A) (1) ALL EMPLOYERS MUST ACT TO ENSURE A WORKPLACE FREE OF
26 SEXUAL HARASSMENT BY:

27 (I) POSTING, IN A PROMINENT AND ACCESSIBLE LOCATION IN THE
28 WORKPLACE, A POSTER THAT DETAILS:

29 1. THE ILLEGALITY OF SEXUAL HARASSMENT;

30 2. EXAMPLES OF SEXUAL HARASSMENT;

31 3. THE COMPLAINT PROCESS AVAILABLE THROUGH THE
32 COMMISSION; AND

33 4. DIRECTIONS ON HOW TO CONTACT THE COMMISSION;
34 AND

35 (II) PROVIDING ALL EMPLOYEES WITH ANNUAL WRITTEN NOTICE
36 THAT DETAILS:

37 1. THE ILLEGALITY OF SEXUAL HARASSMENT;

