
By: Delegates Hixson, Marriott, Doory, Goldwater, Grosfeld, Healey, Kagan, Kopp, Parker, Pitkin, Watson, Petzold, Snodgrass, Cryor, Harrison, B. Hughes, Howard, and Mandel

Introduced and read first time: January 24, 1997
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 15(h) and 16A
19 Annotated Code of Maryland
20 (1994 Replacement Volume and 1996 Supplement)

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

23 **Article 49B - Human Relations Commission**

24 15.

25 For the purposes of this subtitle:

26 (H) THE TERM "SEXUAL HARASSMENT" MEANS ANY UNWELCOME SEXUAL
27 ADVANCES, REQUESTS FOR SEXUAL FAVORS, AND OTHER VERBAL OR PHYSICAL
28 CONTACT OF A SEXUAL NATURE WHEN:

2

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

3 (2) SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY AN
4 INDIVIDUAL IS USED AS A BASIS FOR EMPLOYMENT DECISIONS AFFECTING SUCH
5 INDIVIDUAL; OR

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

9 16A.

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

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

14 1. THE ILLEGALITY OF SEXUAL HARASSMENT;

15 2. EXAMPLES OF SEXUAL HARASSMENT;

16 3. THE COMPLAINT PROCESS AVAILABLE THROUGH THE
17 COMMISSION; AND

18 4. DIRECTIONS ON HOW TO CONTACT THE COMMISSION;
19 AND

20 (II) PROVIDING ALL EMPLOYEES WITH ANNUAL WRITTEN NOTICE
21 THAT DETAILS:

22 1. THE ILLEGALITY OF SEXUAL HARASSMENT;

23 2. THE DEFINITION OF SEXUAL HARASSMENT UNDER STATE
24 LAW;

25 3. EXAMPLES OF SEXUAL HARASSMENT;

26 4. THE INTERNAL COMPLAINT PROCESS AVAILABLE TO THE
27 EMPLOYEE;

28 5. THE LEGAL RECOURSE AND COMPLAINT PROCESS
29 AVAILABLE THROUGH THE COMMISSION;

30 6. DIRECTIONS ON HOW TO CONTACT THE COMMISSION;
31 AND

32 7. THE PROTECTION AGAINST RETALIATION PROVIDED
33 UNDER § 16(F) OF THIS ARTICLE.

34 (2) (I) THE TEXT OF THE POSTER REQUIRED UNDER THIS
35 SUBSECTION MAY NOT EXCEED A SIXTH GRADE READING LEVEL.

3

1 (II) UPON REQUEST, THE COMMISSION MUST PROVIDE
2 EMPLOYERS WITH THE REQUIRED POSTER, AT A PRICE THAT REFLECTS THE COST,
3 AS DETERMINED BY THE COMMISSION.

4 (III) A POSTER THAT HAS BEEN PROVIDED TO AN EMPLOYER BY
5 THE COMMISSION MAY BE REPRODUCED.

6 (3) THE NOTICE REQUIRED UNDER PARAGRAPH (1)(II) OF THIS
7 SUBSECTION MUST BE:

8 (I) PROVIDED INITIALLY NO LATER THAN JANUARY 1, 1997; AND

9 (II) DELIVERED IN A MANNER THAT ENSURES INDIVIDUAL NOTICE
10 TO ALL EMPLOYEES WITHOUT EXCEPTION, SUCH AS INCLUDING THE NOTICE WITH
11 AN EMPLOYEE'S PAY.

12 (B) (1) IN A WORKPLACE WITH 15 OR MORE EMPLOYEES, THE EMPLOYER
13 MUST:

14 (I) CONDUCT AN EDUCATION AND TRAINING PROGRAM FOR ALL
15 NEW EMPLOYEES THAT DETAILS:

16 1. THE ILLEGALITY OF SEXUAL HARASSMENT;

17 2. THE DEFINITION OF SEXUAL HARASSMENT UNDER STATE
18 AND FEDERAL LAWS AND REGULATIONS;

19 3. EXAMPLES OF SEXUAL HARASSMENT;

20 4. THE INTERNAL COMPLAINT PROCESS AVAILABLE TO THE
21 EMPLOYEE;

22 5. THE LEGAL RECOURSE AND COMPLAINT PROCESS
23 AVAILABLE THROUGH THE COMMISSION;

24 6. DIRECTIONS ON HOW TO CONTACT THE COMMISSION;
25 AND

26 7. THE PROTECTION AGAINST RETALIATION PROVIDED
27 UNDER § 16(F) OF THIS ARTICLE; AND

28 (II) CONDUCT ADDITIONAL TRAINING FOR SUPERVISORY AND
29 MANAGERIAL EMPLOYEES THAT DETAILS THEIR SPECIFIC RESPONSIBILITIES AND
30 THE MEASURES THEY MUST TAKE TO ENSURE IMMEDIATE AND APPROPRIATE
31 CORRECTIVE ACTION IN ADDRESSING SEXUAL HARASSMENT COMPLAINTS.

32 (2) THE EDUCATION AND TRAINING PROGRAMS REQUIRED UNDER
33 THIS SUBSECTION MUST BE CONDUCTED WITHIN 1 YEAR OF THE DATE AN
34 EMPLOYEE OR SUPERVISOR BEGINS EMPLOYMENT.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 1997.