
By: **Delegates Hixson, Doory, Harrison, Healey, Kopp, and Menes**
Introduced and read first time: February 12, 1998
Assigned to: Economic 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
5 when presenting certain information; specifying the information to be
6 presented; specifying the literary standards to be used when presenting certain
7 information; requiring the Human Relations Commission to provide certain
8 employers upon request with certain materials presenting certain information
9 at a certain price; permitting the reproduction of certain materials presenting
10 certain information; specifying when certain information must be provided;
11 specifying the manner in which certain information must be presented;
12 requiring employers to conduct certain types of education and training programs
13 for certain employees under certain circumstances; specifying when such
14 education and training programs must be conducted; defining certain terms;
15 and generally relating to the education and training of employees concerning
16 sexual harassment in the workplace.

17 BY adding to
18 Article 49B - Human Relations Commission
19 Section 15(h) and 16A
20 Annotated Code of Maryland
21 (1994 Replacement Volume and 1997 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 15.

26 For the purposes of this subtitle:

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

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.

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

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

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

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

10 (I) PROVIDED INITIALLY NO LATER THAN JANUARY 1, 1999; AND

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

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

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

- 18 1. THE ILLEGALITY OF SEXUAL HARASSMENT;
- 19 2. THE DEFINITION OF SEXUAL HARASSMENT UNDER STATE
20 AND FEDERAL LAWS AND REGULATIONS;
- 21 3. EXAMPLES OF SEXUAL HARASSMENT;
- 22 4. THE INTERNAL COMPLAINT PROCESS AVAILABLE TO THE
23 EMPLOYEE;
- 24 5. THE LEGAL RECOURSE AND COMPLAINT PROCESS
25 AVAILABLE THROUGH THE COMMISSION;
- 26 6. DIRECTIONS ON HOW TO CONTACT THE COMMISSION;
27 AND
- 28 7. THE PROTECTION AGAINST RETALIATION PROVIDED
29 UNDER § 16(F) OF THIS ARTICLE; AND

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

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 1998.