HOUSE BILL 26

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(PRE-FILED)

By: Delegate Hixson

Requested: November 4, 1998

Introduced and read first time: January 13, 1999

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
- certain information; specifying when certain information must be provided;
- specifying the manner in which certain information must be presented;
- requiring employers to conduct 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.
- 17 BY adding to
- 18 Article 49B Human Relations Commission
- 19 Section 15(h) and 16A
- 20 Annotated Code of Maryland
- 21 (1998 Replacement Volume)
- 22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 23 MARYLAND, That the Laws of Maryland read as follows:

33 EMPLOYEE;

HOUSE BILL 26

1 **Article 49B - Human Relations Commission** 2 15. 3 For the purposes of this subtitle: THE TERM "SEXUAL HARASSMENT" MEANS ANY UNWELCOME SEXUAL 4 5 ADVANCES, REQUESTS FOR SEXUAL FAVORS, AND OTHER VERBAL OR PHYSICAL 6 CONTACT OF A SEXUAL NATURE WHEN: SUBMISSION TO SUCH CONDUCT IS MADE EITHER EXPLICITLY OR (1) 8 IMPLICITLY A TERM OR CONDITION OF AN INDIVIDUAL'S EMPLOYMENT; SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY AN (2) 10 INDIVIDUAL IS USED AS A BASIS FOR EMPLOYMENT DECISIONS AFFECTING SUCH 11 INDIVIDUAL; OR 12 (3) SUCH CONDUCT HAS THE PURPOSE OR EFFECT OF UNREASONABLY 13 INTERFERING WITH AN INDIVIDUAL'S WORK PERFORMANCE OR CREATING AN 14 INTIMIDATING, HOSTILE, OR OFFENSIVE WORKING ENVIRONMENT. 15 16A. ALL EMPLOYERS MUST ACT TO ENSURE A WORKPLACE FREE OF (1) 17 SEXUAL HARASSMENT BY: (I) POSTING, IN A PROMINENT AND ACCESSIBLE LOCATION IN THE 19 WORKPLACE, A POSTER THAT DETAILS: 20 1. THE ILLEGALITY OF SEXUAL HARASSMENT; 21 2. EXAMPLES OF SEXUAL HARASSMENT; 22 THE COMPLAINT PROCESS AVAILABLE THROUGH THE 3. 23 COMMISSION; AND 24 4. DIRECTIONS ON HOW TO CONTACT THE COMMISSION; 25 AND (II)PROVIDING ALL EMPLOYEES WITH ANNUAL WRITTEN NOTICE 26 27 THAT DETAILS: 1. 28 THE ILLEGALITY OF SEXUAL HARASSMENT; 29 2. THE DEFINITION OF SEXUAL HARASSMENT UNDER STATE 30 LAW; 31 3. EXAMPLES OF SEXUAL HARASSMENT; 32 4. THE INTERNAL COMPLAINT PROCESS AVAILABLE TO THE

1 2	AVAILABLE THROUGH	5. THE COM		
3	AND	6.	DIRECTIONS ON HOW TO CONTACT THE COMMISSION;	
5 6	UNDER § 16(F) OF THIS	7. ARTICLE.	THE PROTECTION AGAINST RETALIATION PROVIDED	
7 8	(2) (I) SUBSECTION MAY NOT		EXT OF THE POSTER REQUIRED UNDER THIS A SIXTH GRADE READING LEVEL.	
	(II) WITH THE REQUIRED I DETERMINED BY THE	POSTER, A	REQUEST, THE COMMISSION MUST PROVIDE EMPLOYERS Γ A PRICE THAT REFLECTS THE COST, AS ON.	
12 13	(III) COMMISSION MAY BE		TER THAT HAS BEEN PROVIDED TO AN EMPLOYER BY THE CED.	
14 15	(3) THE SUBSECTION MUST BE		EQUIRED UNDER PARAGRAPH (1)(II) OF THIS	
16	(I)	PROVI	DED INITIALLY NO LATER THAN JANUARY 1, 2000; AND	
	· · · · · · · · · · · · · · · · · · ·		ERED IN A MANNER THAT ENSURES INDIVIDUAL NOTICE XCEPTION, SUCH AS INCLUDING THE NOTICE WITH	
20 21	(B) (1) IN A MUST:	WORKPL/	ACE WITH 15 OR MORE EMPLOYEES, THE EMPLOYER	
22 23	(I) CONDUCT AN EDUCATION AND TRAINING PROGRAM FOR ALL NEW EMPLOYEES THAT DETAILS:			
24		1.	THE ILLEGALITY OF SEXUAL HARASSMENT;	
25 26	AND FEDERAL LAWS A	2. AND REGUI	THE DEFINITION OF SEXUAL HARASSMENT UNDER STATE LATIONS;	
27		3.	EXAMPLES OF SEXUAL HARASSMENT;	
28 29	EMPLOYEE;	4.	THE INTERNAL COMPLAINT PROCESS AVAILABLE TO THE	
30 31	AVAILABLE THROUGH	5. I THE COM	THE LEGAL RECOURSE AND COMPLAINT PROCESS MISSION;	
32 33	AND	6.	DIRECTIONS ON HOW TO CONTACT THE COMMISSION;	

- 1 7. THE PROTECTION AGAINST RETALIATION PROVIDED 2 UNDER § 16(F) OF THIS ARTICLE; AND
- 3 (II) CONDUCT ADDITIONAL TRAINING FOR SUPERVISORY AND
- 4 MANAGERIAL EMPLOYEES THAT DETAILS THEIR SPECIFIC RESPONSIBILITIES AND
- 5 THE MEASURES THEY MUST TAKE TO ENSURE IMMEDIATE AND APPROPRIATE
- 6 CORRECTIVE ACTION IN ADDRESSING SEXUAL HARASSMENT COMPLAINTS.
- 7 (2) THE EDUCATION AND TRAINING PROGRAMS REQUIRED UNDER THIS
- 8 SUBSECTION MUST BE CONDUCTED WITHIN 1 YEAR OF THE DATE AN EMPLOYEE OR
- 9 SUPERVISOR BEGINS EMPLOYMENT.
- 10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 11 October 1, 1999.