

HOUSE BILL 1596

K3

8lr2970
CF SB 1010

By: Delegates Valderrama, Anderson, Angel, Atterbeary, Barkley, B. Barnes, D. Barnes, Barron, Barve, Beidle, Branch, Brooks, Carr, Chang, Clippinger, Cullison, Davis, Dumais, Fennell, Flanagan, Fraser-Hidalgo, Frick, Frush, Gaines, Gibson, Gilchrist, Glass, Glenn, Gutierrez, Healey, Hettleman, Hill, Hixson, C. Howard, Jackson, Jones, Kaiser, Kelly, Korman, Kramer, Lafferty, J. Lewis, R. Lewis, Lierman, Lisanti, ~~Mautz~~, McIntosh, McMillan, A. Miller, Moon, Morales, Mosby, Pena-Melnyk, Pendergrass, Proctor, Queen, Reznik, Rosenberg, Sample-Hughes, Sanchez, Simonaire, Stein, Tarlau, Turner, Valentino-Smith, Waldstreicher, Walker, A. Washington, M. Washington, Wilkins, ~~and K. Young~~ K. Young, Jameson, Luedtke, and Wilson

Introduced and read first time: February 9, 2018

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2018

CHAPTER _____

1 AN ACT concerning

2 ~~Labor and Employment—Sexual Harassment—Contractual Waivers and~~
3 ~~Reporting Requirements~~
4 Disclosing Sexual Harassment in the Workplace Act of 2018

5 FOR the purpose of providing that, except as prohibited by federal law, a provision in
6 certain employment contracts, policies, or agreements that waive certain rights or
7 remedies to a claim of sexual harassment, ~~discrimination,~~ or certain retaliation is
8 null and void as being against the public policy of the State; prohibiting an employer
9 from taking certain adverse actions against certain employees; providing that
10 certain employers are liable for certain attorney's fees; ~~requiring certain employers~~
11 ~~to submit a certain report to the Commission on Civil Rights on or before a certain~~
12 ~~date each year; requiring the Commission to publish and make accessible to the~~
13 ~~public on the Commission's website certain reports; defining certain terms;~~ providing
14 for the application of this Act; and generally relating to sexual harassment in the
15 workplace.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
 2 Article – Labor and Employment
 3 Section 3–715
 4 Annotated Code of Maryland
 5 (2016 Replacement Volume and 2017 Supplement)

6 ~~BY repealing and reenacting, without amendments,~~
 7 ~~Article – State Government~~
 8 ~~Section 20–101(a) and (b)~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(2014 Replacement Volume and 2017 Supplement)~~

11 ~~BY adding to~~
 12 ~~Article – State Government~~
 13 ~~Section 20–208~~
 14 ~~Annotated Code of Maryland~~
 15 ~~(2014 Replacement Volume and 2017 Supplement)~~

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

18 **Article – Labor and Employment**

19 **3–715.**

20 (A) ~~(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EXCEPT AS~~
 21 ~~PROHIBITED BY FEDERAL LAW, A PROVISION IN AN EMPLOYMENT CONTRACT,~~
 22 ~~POLICY, OR AGREEMENT THAT WAIVES ANY FUTURE SUBSTANTIVE OR PROCEDURAL~~
 23 ~~RIGHT OR REMEDY TO A CLAIM OF SEXUAL HARASSMENT, DISCRIMINATION, OR~~
 24 ~~RETALIATION FOR REPORTING OR ASSERTING A RIGHT OR REMEDY BASED ON~~
 25 ~~SEXUAL HARASSMENT IS NULL AND VOID AS BEING AGAINST THE PUBLIC POLICY OF~~
 26 ~~THE STATE.~~

27 ~~(2) PARAGRAPH (1) OF THIS SECTION MAY NOT BE CONSTRUED TO~~
 28 ~~APPLY TO THE TERMS OF A COLLECTIVE BARGAINING AGREEMENT.~~

29 (B) (1) AN EMPLOYER MAY NOT TAKE ADVERSE ACTION AGAINST AN
 30 EMPLOYEE BECAUSE THE EMPLOYEE FAILS OR REFUSES TO ENTER INTO AN
 31 AGREEMENT THAT CONTAINS A WAIVER THAT IS VOID UNDER SUBSECTION (A) OF
 32 THIS SECTION.

33 (2) ADVERSE ACTION PROHIBITED UNDER THIS SUBSECTION
 34 INCLUDES:

35 (I) ~~FAILURE TO HIRE;~~

1 ~~(3) THE NUMBER OF SETTLEMENTS MADE AFTER AN ALLEGATION OF~~
2 ~~SEXUAL HARASSMENT THAT INCLUDED A PROVISION REQUIRING BOTH PARTIES TO~~
3 ~~KEEP THE TERMS OF THE SETTLEMENT CONFIDENTIAL.~~

4 ~~(c) THE COMMISSION SHALL PUBLISH AND MAKE ACCESSIBLE TO THE~~
5 ~~PUBLIC ON THE COMMISSION'S WEBSITE EACH EMPLOYER'S ANNUAL REPORT~~
6 ~~REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.~~

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to any
8 employment contract, policy, or agreement executed, implicitly or explicitly extended, or
9 renewed on or after the effective date of this Act.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.