

**SB 834 (no cross-filed bill in the House)**

**Legislative Position: Oppose**

**Harassment and Sexual Harassment – Definitions – Employment Discrimination and Sexual Harassment Prevention Training  
Economic Matters Committee**

Tuesday, March 30, 2021

Dear Chairman Davis and Members of the Committee:

On behalf of the Washington County Chamber of Commerce, with 550 members representing 40,000 employees, I urge you to **OPPOSE Senate Bill 834 (no cross-filed bill in the House)**. The bill alters the statutory definition of “harassment” relating to employment discrimination. The bill explicitly includes sexual harassment within the definition of harassment and expands the definition of harassment to include conduct under certain circumstances, as specified, whether or not the conduct would be considered sufficiently severe or pervasive under precedent applied to harassment claims. The bill also alters the definition of “sexual harassment” in statutory provisions relating to the requirement that each State employee, as specified, complete mandatory sexual harassment prevention training.

There are a number of significant challenges and unintended consequences that will result from Senate Bill 834, including:

- The bill expands the definition of harassment to include conduct which “need not be severe or pervasive.” This type of broad language is a deviation of the long held judicially accepted definition of harassment and drastically broadens the interpersonal conduct which could be included. This type of legislation could be seen as focusing more on “bullying” than harassment.
- Business owners may be subject to an increased risk of liability based on the bill’s expanded definition of harassment – the Department of Legislative Services recognizes this as such in their fiscal note.
- It stands to reason that a significantly broader definition of harassment would lead to an increase in allegations made and a corresponding increase in cases handled by the Maryland Commission on Civil Rights (MCCR). It is my understanding that that the MCCR already deals with a significant caseload and will likely have difficulty handling the additional complaints as a result of this legislation.
- The bill introduces the term “reasonable person” as the arbiter of determining if the conduct is inappropriate. This term is broad and undefined.

On behalf of the business and non-profit members of the Washington County Chamber of Commerce, we respectfully request an **UNFAVORABLE REPORT** on SB 834.

Sincerely,



Paul Frey, IOM  
President and CEO