



LEGISLATIVE POSITION:

Letter of Information

Senate Bill 834

Harassment and Sexual Harassment – Definitions – Employment Discrimination and Sexual Harassment Prevention Training

Senate Judicial Proceedings Committee

Wednesday, February 24, 2021

Dear Chairman Smith and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 5,000 members and federated partners, and we work to develop and promote strong public policy that ensures sustained economic growth for Maryland businesses, employees and families. Through our work, we seek to maintain a balance in the relationship between employers and employees within the state through the establishment of policies that promote fairness and ease restrictive burdens.

As presented, Senate Bill 834 alters the definition of “harassment” and “sexual harassment” and redacts the current use of the judicially determined meaning. Additionally, SB 834 introduces as part of the definitions that “a reasonable victim of discrimination would consider the conduct to be more than a petty slight, trivial inconvenience, or minor annoyance.”

The Maryland Chamber of Commerce and its members fully support the intent and desired outcome of SB 834. However, as introduced, this bill drastically alters the definition of harassment in the State Government Article of Maryland statute. Harassment is currently defined in Maryland Criminal Law Article § 3-803 as following another in or about a public place or maliciously engaging in a course of conduct that alarms or seriously annoys another: (1) with the intent to harass, alarm, or annoy the other; (2) after receiving a reasonable warning or request to stop by or on behalf of the other; and (3) without a legal purpose. The primary concern with a drastic definition change is that this new definition may be referenced or taken into consideration in future legal instances outside of the intent and context of the State Government Article.

Furthermore, SB 834 introduces this new definition of harassment as subject to the interpretation of a “reasonable person.” This undefined term is seen as vague and creates concern for the employer community.

As outlined, the Maryland Chamber of Commerce looks forward to connecting the bill sponsor with Maryland's employer community to identify language that achieves the purpose of SB 834 while addressing unclear terms and new definitions.

