

State of Maryland

Commission on Civil Rights

“Our vision is to have a State that is free from any trace of unlawful discrimination.”



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March 29, 2022

Senate Bill 450 – Harassment and Sexual Harassment – Definitions – Employment Discrimination and Sexual Harassment Prevention Training POSITION: Support

Dear Chairperson Wilson, Vice Chairperson Crosby, and Members of the House Economic Matters Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, health services and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

Senate Bill 450 eliminates the need for an incident of harassment or sexual harassment to be severe or pervasive when terms and conditions or an employment decision is based on the submission or rejection of the harassing conduct. SB 450 provides it also can be found that an employer has engaged in unlawful harassment or sexual harassment based on the totality of circumstances. This bill removes the definition of sexual harassment from the State Personnel & Pensions Article and places the definition in State Government Article, Title 20 which is enforced by MCCR.

The definitions in SB 450 for harassment and sexual harassment captures those incidents where employees suffer a tangible employment action or a hostile employment environment when they fail to submit to or reject inappropriate conduct or advances from co-workers or decision makers. SB 450 seeks to eliminate all types of harassment based on the protected classes covered by Title 20 and to place a definition of sexual harassment in the article. Thus, clear guidance to employers, judges and employees is provided on what unlawful behaviors are prohibited in the workplace.

For these reasons and more, the Maryland Commission on Civil Rights urges a favorable vote on SB 450. Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.

MCCR’s Biennial Civil Rights & Fair Housing Gala Celebration: April 30, 2022

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