



LEGISLATIVE POSITION:

Unfavorable

Senate Bill 450

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

Senate Judicial Proceedings Committee

Tuesday, February 15, 2022

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 5,500 members and federated partners working to develop and promote strong public policy that ensures sustained economic recovery and 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.

Senate bill 450 alters the definition of “harassment” and “sexual harassment” and redacts the current use of the judicially determined meaning. SB 450 introduces as part of their definitions language that states the conduct “need not be severe or pervasive”. This type of broad language drastically broadens the interpersonal conduct which could be defined as harassment. Conceivably, SB 450 appears to focus on conduct more akin to bullying than harassment.

The Maryland Chamber of Commerce and its members fully support the intent and desired outcome of SB 450. However, business owners will 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 also 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. It is our understanding that that the MCCR already deals with a significant caseload and may have difficulty handling the additional complaints because of SB 450.

Finally, the bill introduces the term “reasonable person” as the arbiter of determining if the defined conduct is inappropriate. This term is undefined and far too broad. With these comments in mind, the Maryland Chamber of Commerce respectfully requests an **unfavorable report** on **SB 450** as many concerns and challenges remain from the standpoint of Maryland employers.