
BILL NO: House Bill 78 – Cross Over Hearing
TITLE: Discrimination in Employment - Reasonable Accommodations for Applicants with Disabilities
COMMITTEE: Senate Judicial Proceedings Committee
HEARING DATE: March 22, 2022
POSITION: **SUPPORT**

House Bill 78 seeks to ensure that applicants for employment positions are provided the same rights and protections regarding accommodations for disabilities under Maryland law as they are under federal law. Because the WLC strongly supports equal employment opportunities, and values a diverse workforce with full economic opportunity, the WLC supports HB 78.

Women in general, and women with disabilities in particular, continue to face many barriers in the labor market. Disability prevalence is slightly higher among women than men, and women with disabilities are more likely to be low-income wage earners or to live in poverty compared to men with disabilities and both men and women without disabilities¹. The on-going pandemic has compounded these issues, and the effects on women with disabilities have been especially severe. They were more likely to be unable to report to work because their employer closed or lost business, and more likely to work in an occupation where there was higher likelihood of Covid-19 exposure, such as service industries.

The Americans with Disabilities Act makes it unlawful for an employer to discriminate against a qualified applicant or employee with a disability. Furthermore, an employer is required to provide a reasonable accommodation to a qualified applicant or employee with a disability unless the employer can show that the accommodation would be an undue hardship. Maryland's Fair Employment Practices Act tracks closely to federal law, typically using the federal statutes as a floor, not a ceiling. As such, under current Maryland law, an employer may not fail or refuse to make a reasonable accommodation for the known disability of an otherwise qualified employee. However, an employee is not explicitly defined to include applicants. HB 78 would unambiguously clarify that applicants are to be provided the same consideration and accommodations as a current employee, just as they are guaranteed that at the federal level.

Applicants with disabilities should be entitled the same rights to accommodations as current employees. This is a matter of fundamental fairness; without such accommodations, individuals with disabilities would be disparately excluded from the workforce. For these reasons, the WLC urges a favorable report on HB78.

The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change.

¹ US Dept. of Labor, Office of Disability Employment Policy, Spotlight on Women with Disabilities, March 2021, <https://www.dol.gov/sites/dolgov/files/ODEP/pdf/Spotlight-on-Women-with-Disabilities-March-2021.pdf>