
BILL NO.: Senate Bill 540
TITLE: Human Relations - Civil Rights Enforcement - Powers of the Attorney General
COMMITTEE: House Judiciary Committee (Cross Over Hearing)
DATE: March 29, 2023
POSITION: SUPPORT

Senate Bill 540 provides the Attorney General with the authority to investigate conduct that violates any federal or State civil rights, along with subpoena authority to obtain information in the course of the investigation, in particular in cases of discrimination based on sex. With this authority, the Office of the Attorney General “can undertake its own investigations and commence litigation of alleged civil rights violations without having to rely on the initiation and administrative management of an individual complaint or the finding of another agency.” Additionally, enforcement “can reach systemic discrimination that may go unnoticed at the individual level and, thus, may have never prompted an individual complaint in the first instance.”

The Women’s Law Center of Maryland (WLC) supports Senate Bill 540 and believes the Office of the Attorney General could play a pivotal role in addressing several issues at the heart of the WLC’s mission, including sexual harassment within the workplace and the persistence of the gender pay gap. Given the pervasiveness of both these issues, as well as the systemic barriers often preventing victim redress, enforcement of civil rights laws to prevent and respond to this and other types of discrimination should not be left solely to private litigation. Providing the Attorney General with authority to respond will help ensure that both public and private interests are served. Importantly, this bill would provide the Attorney General with the authority to seek injunctive relief and this is key to preventing future discrimination.

According to the Equal Employment Opportunity Commission (EEOC), at least one in four women have been sexually harassed in the workplace. Workplace harassment is alleged in nearly 30% of all complaints filed with the federal agency, yet many workers, particularly those in low-wage jobs are loathe to report it, fearing retaliation and humiliation. Even fewer are willing to take those reports further by filing charges with the agency or attempting to litigate the harassment, as the lawsuits are often too expensive, too likely to increase retaliation, and too likely to fail due to the unreasonably high legal standards required to prove unlawful levels of harassment. On our Employment Law Hotline, we often hear from callers who have experienced discrimination but are unable to afford the time, expense, or risk to job security associated with bringing suit. Knowing that the Attorney General had authority to pursue such claims could have a positive chilling effect on employers who continue to tolerate such offensive behavior.

Similarly, and despite positive changes in the law, working women continue to suffer from a gender pay gap that effects their earnings and their families. Women’s incomes in Maryland still lag behind those of their male counterparts: women earn on average only \$0.86 to every dollar earned by men. For women of color, the pay gap is even larger – African American women take home \$0.68 and Latina women earn only \$0.46 for every dollar a white man makes. The gap is wider for working mothers and exists even in the public sector, where women on average earn 10% less than their male colleagues. The gender pay gap requires attention on multiple fronts, and the Attorney General could play a pivotal role in eliminating it in Maryland.

For the above reasons, the Women’s Law Center of Maryland urges a favorable report for SB 540.