

Letter of Support

HB 136 - Employment Standards, Prevailing Wage, and Living Wage - Employer Adverse Actions - Prohibition

Dear Chair Wilson, Vice Chair Crosby, and members of the House Economic Matters Committee,

Many of Maryland's current workplace standards laws prohibit retaliation, but those rights, processes, and remedies vary statute by statute. This bill **harmonizes** them, adopting a uniform definition of protected activities, uniform complaint processes, and uniform remedies. The bill also forbids retaliation under the State's Living Wage Law, which currently lacks an anti-retaliation provision.

Each anti-retaliation statute uses different language to define activities protected under the statute, and incorporates different procedures and remedial schemes. This can make it difficult for employers to understand their responsibilities and obligations under the law and also difficult for workers to understand their rights.

For example, the minimum wage law currently provides only for criminal penalties for acts of retaliation. A claim of retaliation under the equal pay act can be filed only in court. But retaliation under either the Workplace Fraud Act or the prevailing wage statute can be addressed either through administrative proceedings, or through a private right of action. And the living wage law has no protection against retaliation at all.

These inconsistencies create real problems. Employers are subject to compliance with multiple different schemes and processes. Employees are less likely to know their rights or be able to figure out how to proceed – or whether they even can proceed at all – to enforce them.

Clear, uniform anti-retaliation procedures for all of our wage laws lighten the burden for stakeholders. Transparency will result in greater knowledge of the law, greater compliance with the law, and efficient processing and resolution of claims. Violations are more likely to be reported, reported promptly, and remedied promptly. MDOL staff will have a single process for enforcement, instead of multiple different schemes.

HB 136 also adds a prohibition on retaliation under the State's Living Wage Act, which will bring this law into line with other employment standards, and will more effectively ensure that service workers paid with State funds receive what they are owed.



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Finally, the Department will be seeking an amendment to HB 136 based on stakeholder conversations. The desired amendment would also ensure that the same definition of protected activities, complaint processes, and uniform remedies are applied to the states Wage Payment and Collection laws.

The Department respectfully requests a **favorable with amendments report** by the Committee on HB 136.

For questions, please contact andrew.fulginiti@maryland.gov.