



**Maryland Joint
Legislative Committee**

The Voice of Merit Construction

March 5, 2024

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To: Senate Finance Committee
From: Associated Builders & Contractors
RE: SB 750 - Labor and Employment - Workers' Compensation - Exceptions to Exclusivity of Liability
Position: Unfavorable

Associated Builders and Contractors (ABC) represent more than 1500 construction and construction-related companies through its four Maryland chapters. Our members believe in the tenets of free enterprise, investing in their workforce and giving back to the communities in which they live, work and play.

Senate Bill 750 would allow a covered employee, or the employee's beneficiaries, to both file a claim for workers' compensation and sue the employer for damages when a covered employee is injured or killed as the result of the deliberate intent of the employer or when a covered employee is killed by the intentional action of another employee. The bill also establishes circumstances under which an employer must be deemed to have acted with deliberate intent. The bill must be construed to apply retroactively and must be applied to and interpreted to affect a cause of action arising or a workers' compensation claim filed on or after January 1, 2022.

ABC opposes SB 750, which seeks to alter the exception to the exclusivity of an employer's liability under workers' compensation law. While we recognize the importance of ensuring fair and just compensation for injured employees, we believe that the proposed changes would have detrimental effects on employers and the workers' compensation system. The bill's expansion of exceptions to exclusivity undermines the fundamental principle of workers' compensation, which provides a no-fault system designed to efficiently compensate employees for work-related injuries or fatalities. By allowing for exceptions based on subjective interpretations of an employer's intent, the bill introduces uncertainty and legal ambiguity, which could lead to prolonged litigation and increased costs for employers.

Moreover, deeming an employer to have acted with deliberate intent under certain circumstances sets a dangerous precedent that could unjustly penalize employers for accidents or incidents beyond their control. This approach fails to consider the complexities of workplace environments and the myriad factors that contribute to accidents, including human error and unforeseeable circumstances.

ABC appreciates your consideration and, for these reasons, respectfully requests a **unfavorable** report on Senate Bill 750.

*Martin "MJ" Kraska
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