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SB0590

February 16, 2024

TO: Members of the Judicial Proceedings Committee

FROM: Nina Themelis, Director of the Mayor's Office of Government Relations

RE: Senate Bill 590 – Human Relations – Discrimination – Protected Characteristics (Equal Opportunity for All Marylanders Act)

POSITION: SUPPORT

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 590.

SB 590 adds to existing Articles Commercial Law, Courts and Judicial Proceedings, Criminal Law, Education, Health – General, Health Occupations, Housing and Community Development, Human Services, Insurance, Land Use, Public Utilities, Real Property, State Finance and Procurement, Tax – Property, and Labor and Employment to include prohibitions on discrimination based on sexual orientation, gender identity, race, religious beliefs, marital status, and disability; and generally relating to prohibitions against discrimination based on protected characteristics.

The Baltimore City Department of Human Resources (BCDHR)'s testimony is specifically regarding Article – Labor and Employment Section 3–304 and 3–307(a)(1). The current language prohibits wage and less favorable employment opportunities discrimination based on sex or gender identity. This bill expands wage and less favorable employment opportunities discrimination prohibitions for employers by adding race, religious beliefs, sex, gender identity, or sexual orientation.

The bill requires that people are paid equally for equal work. It expands for affected employees who wish to bring an action against their employer for injunctive relief by adding sexual orientation, race, and disability to the list of protective characteristics for situations where an employer knew or reasonably should have known that the employer's action violated § 3–304. It also expands for affected employees to recover the difference between the wages paid to affected employees and the wages paid to other employees of another sex, sexual orientation, gender identity, or race, or who do not have a disability who do the same type work and an additional equal amount as liquidated damages for if an employer knew or reasonably should have known that the employer's action violated § 3–304.

Title VII and The Equal Pay Act make it illegal to discriminate based on sex in pay and benefits. Therefore, someone with an Equal Pay Act claim may also have a claim under Title VII. The Age Discrimination in

Employment Act of 1967 and the Americans with Disability Act prohibit compensation discrimination based on race, color, religion, sex, national origin, age, or disability.

The City of Baltimore already protects against discrimination in **all aspects of employment**, including recruitment, hiring, termination, discipline, transfers, training and career development, work assignments, promotions and demotions, **compensation**, benefits administration, and all other terms and conditions of employment without regard to such factors as race, color, age, national origin, ancestry, marital status, sexual orientation, gender, religion, veteran status, physical or mental disability, genetic information, gender identity or expression or any other status protected by law.

This bill offers further protections against wage and less favorable employment discrimination. Enacting this law would further protect employees from discrimination in these areas of employment. City of Baltimore employees who believe their rights to equal employment have been violated under the new law addition would be able to file a Charge of Discrimination.

For these reasons, the BCA respectfully requests a **favorable** report on SB 590.