



**House Bill 1261**  
Employment Discrimination – Intent  
In the Economic Matters Committee  
Hearing on February 27, 2025  
**Position: FAVORABLE**

*Maryland Legal Aid submits its testimony on HB 1261 based on a request from the Office of the Attorney General.*

Maryland Legal Aid (MLA) asks that the Committee report **favorably and pass** HB 1261, which expands the protections of Maryland’s employment discrimination statute to include unintentional acts that have a discriminatory effect. MLA is a non-profit law firm that provides free legal services to the State’s low-income and vulnerable residents. MLA clients would directly benefit from HB 1261.

Maryland law already protects workers from discrimination. HB 1261 expands those safeguards by removing intent as a requirement for a discrimination claim. The bill prohibits discrimination based on a broad range of identities, including race, gender identity, military status, and more, to promote a safe workplace for marginalized groups. The conceptualization of discrimination has changed over time, and while outright bigotry certainly still exists, it is important to provide guardrails against more insidious and nuanced forms of bias.

A work policy can seem neutral but still have a discriminatory effect. Dress codes are a good example. Repeated dress code violations can form a legal ground for dismissal at many workplaces, and this can be weaponized. A dress code might prohibit *anyone* from wearing certain items of clothing. But, if only a person from a specific religious or cultural group wears that item, and is fired because of it, this seemingly fair practice has a discriminatory impact. Of course, such a dress code could be necessary for work performance. Workers might need to wear specific clothes that are not at risk of getting caught in machinery, or that are not flammable, or that provide some other safety or public health related purpose. HB 1261 recognizes this reality by exempting claims where a policy is a legitimate business necessity.

Including intent in Maryland’s employment discrimination statute also aligns state policy with federal law. Title VII of the Civil Rights Act allows workers to bring claims based on workplace policies that create a disparate impact on certain protected classes, regardless of intent. Passing HB 1261 would create a more inclusive labor market in Maryland. MLA clients and all vulnerable people deserve safety and fair treatment at work and when applying for jobs. Maryland’s economy relies on workers of all kinds; and more so than ever, Maryland needs low- and middle-income workers to stay in Maryland and invest in the economy. Creating safer labor practices will keep workers in Maryland.

If you would like additional information on this bill or the underlying issues it addresses, please contact Meaghan McDermott, Advocacy Director for Community Lawyering and Development, at [mmcdermott@mdlab.org](mailto:mmcdermott@mdlab.org) or 410-951-7635.