



March 11, 2026

SB 857 Labor and Employment – Civic and Related Activities – Protection (Maryland Employee Civic Activity and Lawful Expression Protection Act)

Senate Finance Committee

Position: Unfavorable

The Maryland Catholic Conference (MCC) offers testimony in opposition to **Senate Bill 857**. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state’s second largest social service provider network, behind only our state government.

SB 857 attempts to protect employees from retaliation for engaging in political expression outside the workplace. While the intention is understandable, the approach is problematic. This legislation does not simply present a question of left vs. right. It is a question of prudence. The Church teaches that prudence is “right reason in action”—the virtue that allows individuals and institutions to make sound judgments in complex circumstances. This bill removes prudential judgment from employers and replaces it with a rigid statutory framework that does not account for the real-world diversity of workplaces, missions, and risks.

Many states have enacted some form of political-activity protection, and while such laws are not inherently incompatible with Catholic teaching, they require careful calibration. This bill does not strike that balance.

Excessive and Distorting Damages Provisions

The most serious concern, however, lies in the damages structure set forth in §3-1905. Catholic social teaching emphasizes justice in employment relationships, including fair remedies when wrongdoing occurs. But remedies must be **proportionate, reasonable, and ordered toward restoring right relationship**, not creating punitive windfalls.

The damages in this bill—triple wages plus an additional year of wages, on top of other available remedies—are far outside the norms of employment law. They would create:

- **A powerful financial incentive for litigation**, encouraging a surge of claims regardless of merit.

- **Severe pressure on employers**, especially small and mission-driven organizations, to settle even weak or questionable cases.
- **A distortion of the employment relationship**, replacing cooperation and dialogue with adversarial posturing.

Such a structure is not consistent with the Catholic vision of justice. Remedies should make a harmed employee whole, not create disproportionate penalties that destabilize workplaces and undermine the common good. The likely result of these damages provisions would be a “feeding frenzy” of litigation, escalating costs, and diminished trust between employers and employees.

A Rebuttable Presumption That Undermines Fairness

The bill also creates a **120-day rebuttable presumption of retaliation** for any adverse action following protected political activity. Presumptions of this kind may be appropriate in narrow circumstances, but here the scope is too broad and the consequences too severe. Employers routinely make decisions about performance, restructuring, or conduct. Under this bill, nearly any such decision could be presumed retaliatory, shifting the burden of proof in a way that is neither fair nor workable.

Catholic teaching emphasizes justice as giving each person his or her due. A presumption that effectively treats employers as guilty until proven innocent does not reflect that principle.

For these reasons—its overly broad protection of political activity, its disproportionate damages scheme, and its unfair presumption of retaliation—I respectfully urge an **unfavorable report** on this legislation. Protecting employees from unjust retaliation is a worthy goal, but this bill does so in a manner that is imprudent, excessive, and ultimately harmful to the common good.

The MCC appreciates your consideration and, for these reasons, respectfully requests an unfavorable report on Senate Bill 857.