

Legal Update Article

Maryland Employers with 50+ Employees Must Submit Sexual Harassment Survey by July 1, 2020

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Maryland's [Disclosing Sexual Harassment in the Workplace Act of 2018](#) requires employers with at least 50 employees to complete a [survey](#) disclosing information on past sexual harassment settlements to the Maryland Commission on Civil Rights (MCCR) on or before July 1, 2020.

Survey Requirements

The Act, which took effect on October 1, 2018, requires covered Maryland employers to provide the following information to the MCCR:

1. The number of settlements made by or on behalf of the employer after an allegation of sexual harassment by an employee;
2. The number of times the employer has paid a settlement to resolve a sexual harassment allegation against the same employee over the past 10 years of employment; and
3. The number of settlements made after an allegation of sexual harassment that included a provision requiring both parties to keep the terms of the settlement confidential.

If an answer is provided to Question 2, employers also must answer the following question:

4. Whether the employer took personnel action against an employee who was the subject of a settlement.

Following the initial disclosure on or before July 1, 2020, the employer must submit another report in two years, on or before July 1, 2022.

The Act does not specify any penalties or enforcement mechanisms for failure to comply with the survey requirements.

The MCCR will publish the aggregate results of the survey online. Upon request, the MCCR will make available for public inspection only the results from a specific employer regarding the number of times the employer paid a settlement to resolve a sexual harassment allegation against the same employee over the past 10 years of employment.

Additionally, on or before December 15, 2020, and again on or before December 15, 2022, the MCCR will review a random selection of the surveys submitted, create an executive summary of the selected surveys (while redacting any employer identifying information), and submit the executive summary to the Governor, the Senate Finance Committee, and the House Economic Matters Committee.

The Act's survey requirement will sunset on June 30, 2023, barring a renewal by the General Assembly.

For more information on the requirements of the Act, see our article, [Maryland Employers, Are You Ready? New Sexual Harassment Law Takes Effect October 1](#).

For additional guidance on this issue, please contact a Jackson Lewis attorney.

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