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BILL NO: Senate Bill 449  
TITLE: Unlawful Employment Practices – Remedies  
COMMITTEE: Judicial Proceedings Committee  
HEARING DATE: February 15, 2022  
POSITION: **Favorable**

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Senate Bill 449 seeks to address inequities and outdated remedies within the Maryland Fair Employment Act for employees who have been discriminated against in their workplace. It does so by incrementally increasing the caps on compensatory damages that can be awarded to victims of unlawful employment discrimination after the respondent is found guilty by the Office of Administrative Hearings or State court. Additionally, it allows victims to seek up to 3 years of back pay (current law only permits up to 2 years).

The Women's Law Center of Maryland supports SB 449 because it recognizes the caps on compensatory damages have remained stagnant over the course of many years and are in need of updating. Compensatory damages can act as an incentive to employers to become compliant, thereby potentially reducing the instances of discrimination in the workplace, but will only act as a deterrent if the amount of damages is significant enough to warrant a change in behavior.

Furthermore, whenever discrimination is found, the goal of the law is to put the victim of discrimination in the same position (or nearly the same) that they would have been if the discrimination had never occurred. The types of relief will depend upon the discriminatory action and the effect it had on the victim. For example, if someone is not selected for a job or a promotion because of discrimination, the remedy may include placement in the job and/or back pay and benefits the person would have received. Under current law, however, an individual is only entitled to two years' worth of backpay, regardless of the length or egregiousness of the discriminatory practice.

Unlawful employment practices are serious violations that have a negative impact on workers and our communities. Penalties should be in place to reflect the seriousness of those behaviors and to provide meaningful opportunities to make the employees whole. For those reasons, and the reasons stated above, the WLC urges a favorable report on SB 449.

***The Women's Law Center of Maryland operates statewide Family Law and Employment Law Hotlines, the Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County, and the statewide Collateral Legal Assistants for Survivors and Multi-Ethnic Domestic Violence Projects.***