

Workplace Harassment Commission – Draft Recommendations
September 20, 2018

Category	Recommendation
Culture	<p>Improve employee awareness</p> <p>Encourage reporting, from all levels. Post signage around the legislative complex with information on how and where to report workplace harassment. Reporting should be understood to be welcome, and it should be made clear that reporting will not automatically lead to dire consequences for the alleged harasser.</p>
Culture	<p>Review Alcohol Policies</p> <p>Ban the consumption of alcohol in the legislative complex, except for events that require a permit.</p>
Culture	<p>Restrict the Location of District Office</p> <p>Prohibit a member from operating a district office in their personal residence.</p>
Culture	<p>Climate Survey</p> <p>The Department of Legislative Services should regularly conduct a climate survey of legislators and staff to assess the incidence, prevalence, and other characteristics of incidents of workplace harassment.</p>
Culture	<p>Rights of Victims</p> <p>Make materials and training available to support victims who wish to respond to harassment directly (self-help). A Victim’s Advocate position should be created within State government, possibly within the Maryland Commission on Civil Rights.</p> <p>Make it clear to all victims that they also have a right to file a complaint with the Maryland Commission on Civil Rights or the U.S. Equal Opportunity Employment Commission.</p> <p>Similarly, make it clear to all victims that they may hire an attorney.</p>
Training	<p>Format and Method of Training</p>

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	<p>Training should be specialized for members and legislative staff, and specific to the functions of the Legislative Branch. Training may be further specialized for supervisors and non-supervisory staff. All training must occur in-person with a live trainer.</p>
Training	<p>Bystander Intervention</p> <p>Bystander intervention is recognizing a potentially harmful situation or interaction and choosing to respond in a way that could positively influence the outcome. Require workplace harassment prevention training to include information on bystander intervention, including strategies to empower bystanders and role-playing scenarios.</p>
Training	<p>Combined Training Opportunities</p> <p>Consider opportunities for combined training across the three branches of government, including cross-training of designated individuals in each branch who are responsible for receiving complaints and human resource functions that include workplace harassment prevention training.</p>
Training	<p>Annual Compliance Reporting</p> <p>Require that the appropriate entity within each branch of government report to the Maryland Commission on Civil Rights (MCCR) on how many employees have received workplace harassment training and the content of the training program.</p> <p>Require MCCR to share the training compliance reports with the Department of Budget and Management and the Department of Legislative Services.</p>
Policy Changes	<p>Combine Policies for the Maryland General Assembly and the Department of Legislative Services</p> <p>Currently, there are two anti-harassment policies that are very similar but not identical. The policies should be combined for consistency and clarity.</p>
Policy Changes	<p>Clarify Provisions Related to Confidentiality</p> <p>Provide more detail in the anti-harassment policy on confidentiality procedures with regard to complaints and investigations.</p>

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Policy Changes	<p>Strengthen Prohibition on Retaliation</p> <p>While retaliation is prohibited in the existing Maryland General Assembly and Department of Legislative Services anti-harassment policies, they lack a clear statement on retaliation. A more detailed prohibition on retaliation should be included, which includes a definition of retaliation and examples of retaliatory behavior.</p>
Policy Changes	<p>Workplace Bullying</p> <p>Existing anti-harassment policies should be expanded to include a prohibition on workplace bullying. Explore opportunities to adopt a uniform approach across branches of government.</p>
Policy Changes	<p>Compile Statistics Across Agencies and Branches of Government</p> <p>Require statistics compiled by various State agencies to be synchronized to follow identical formats, which would include matrices for intersection of various types of harassment and methods for indicating when incidents involved either repeat violators or victims.</p>
Investigations	<p>Panel of Independent Investigators</p> <p>A list of qualified independent investigators available for workplace harassment investigations across the three branches of government should be developed and maintained, possibly by the Office of the Attorney General.</p>
Investigations	<p>Specify Procedures for Independent Investigations</p> <p>Specify the procedures for independent investigations to inspire trust in the investigative process and, ultimately, make the process operate efficiently. Specific procedures may include the following: (1) statements on how independent investigations will work; (2) defined roles and responsibilities of independent investigators; (3) specific instructions regarding confidentiality and information security; (4) authorization for independent investigators to request documents, conduct interviews, and review certain information, (5) guidance detailing an employee’s obligations to respond to requests made by independent investigators; and (6) a specific process related to the handling of relevant information in instances where that information is comingled with sensitive agency information.</p>
Investigations	<p>Confidentiality – Presiding Officers</p>

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	<p>Require the presiding officers to be advised of the existence of a complaint, the subject of the complaint, and the timeframe for resolution. The presiding officers may not influence or attempt to influence the investigation or findings of fact.</p> <p>Require the presiding officers to be advised of requests for <i>interim safety measures</i> and what measures are being adopted. Any person making a report or investigating a report may request an interim safety measure. If the presiding officers must be involved to adopt a safety measure, they will be provided with information needed to make a decision, including the nature of the complaint.</p>
Investigations	<p>Confidentiality – Repeated Allegations</p> <p>As part of enhanced data- and record-keeping practices regarding allegations of and investigations into unlawful workplace sexual harassment, the Department of Legislative Services Human Resources director shall have the ability to investigate and address repeated allegations made against the same employee. Employees who have a pattern of allegations against them will be subject to disciplinary procedures, up to and including, termination.</p>
Lobbyists	<p>Climate Survey</p> <p>The State Ethics Commission should conduct a climate survey of all registered lobbyists to assess the incidence, prevalence, and other characteristics of incidents of sexual harassment. The Maryland Government Relations Association has offered to help publicize the survey of its membership prior to the 2019 session.</p>
Lobbyists	<p>Expand Prohibition of Anti-harassment Laws to Certain Individuals</p> <p>Expand the prohibitions on harassment and discrimination to outside advocates who are authorized to obtain a badge to enter legislative buildings (representatives of MACO, MML, etc.), but who may not be registered lobbyists as defined under current law.</p>
Funding	<p>Funding for Training</p> <p>Provide additional funding for training. The funding should support the cost of additional trainers, including additional staff at the Maryland Commission on Civil Rights, and cost of development of customized training videos</p>

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	that capture the unique features of the workplace culture in the Legislative, Executive, and Judicial branches of government.
Funding	Funding for State Ethics Commission Given their increased responsibility under HB 1342, additional funding should be provided to the State Ethics Commission. These resources should be used to hire an approved outside investigator, where appropriate. Findings from outside investigations should be referred to the State Ethics Commission for enforcement.

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