



## Why You Shouldn't Neglect Your Anti-Harassment Policy



Too often, companies look at having an anti-harassment policy as a box to check. “Do we have a policy, ok, we are set.” But this is a risky approach for employers, especially since the #MeToo Movement began in 2017.

### What Do You Need To Know?

Legislatures in many parts of the country have focused on expanding employee rights and protections against workplace harassment. In Maryland, the General Assembly recently expanded the definition of harassment in a material way. Before this recent change, a plaintiff-employee alleging a hostile work environment was required to demonstrate that the harassment was sufficiently “severe or pervasive” to alter the terms and conditions of employment. Although that may sound like legal jargon, courts routinely commented that the “severe or pervasive” standard was a very high one for an employee to meet.

In 2022, however, the Maryland General Assembly greatly lowered that bar, redefining the definition of harassment such that conduct need not be “severe or pervasive” to constitute unlawful harassment under state law. Now, an employee need only show that the harassing conduct was based on a legally protected classification (*e.g.*, race, sex, etc.) and that, “based on the totality of the circumstances,” the conduct created a working environment that a reasonable person would “perceive” to be abusive or hostile. Md. Code, [State Gov’t Art. § 20-601](#). This change is a meaningful expansion of employee protections, not mere semantics. Conduct that courts might have previously shrugged off as part of the ordinary trials and tribulations of the workplace may now constitute unlawful harassment.

### Multi-State Employers Take Note

As noted, Maryland is far from the only jurisdiction to have expanded protections. Employment laws typically apply based on the physical work location of the employee. Thus, multi-state employers (including those with remote employees in other states) have the

challenging task of weaving together a policy that makes sense for all of their employees, regardless of physical work location.

### What Else Should You Do?

Of course, policy review is just the first step. Employers should not only ensure that their policies capture these expanded protections, but also that their anti-harassment training, reporting, investigation, complaint response, and harassment remediation measures are effective, supported, and continuously improved to reflect the increased risk of today's legal environment.

This Monday morning would be a great time to look at your company's policy and to review your anti-harassment efforts.

*\*This client alert is for informational purposes and is not legal advice.*

---

Thank you for taking a minute to reflect on your company's anti-harassment policy. If you have any questions, **please contact our employment practice team members.**

Email Steve  
Metzger

Email Brandon Wharton

---

### About Our Firm

For more than 60 years, Gallagher Evelius & Jones has served as trusted counsel to businesses including real estate developers, regional and local healthcare systems (nonprofit), religious entities, universities and colleges, clean energy investors, and more, building longstanding relationships with organizations across the Mid-Atlantic region and beyond. Our attorneys focus on the practice areas important to our clients including litigation, employment, tax, finance, real estate, and general corporate matters.

Gallagher and its more than 100 staff are committed to supporting the community through volunteer and pro bono efforts, and to focusing on diversity, equity, and inclusion across all aspects of the organization.



 Share This Email

Join Our Mailing  
List

Gallagher Evelius & Jones | 218 North Charles Street, Suite 400, Baltimore, MD 21201

[Unsubscribe](#) [jwilliams@gejlaw.com](mailto:jwilliams@gejlaw.com)

[Update Profile](#) | [Constant Contact Data  
Notice](#)

Sent by [jwilliams@gejlaw.com](mailto:jwilliams@gejlaw.com) powered by



Try email marketing for free today!