

§3-301.

(a) In this subtitle the following words have the meanings indicated.

(b)(1) “Employer” means:

- (i) a person engaged in a business, industry, profession, trade, or other enterprise in the State;
- (ii) the State and its units;
- (iii) a county and its units; and
- (iv) a municipal government in the State.

(2) “Employer” includes a person who acts directly or indirectly in the interest of another employer with an employee.

(c) “Gender identity” has the meaning stated in § 20-101 of the State Government Article.

(d)(1) “Wage” means all compensation for employment.

(2) “Wage” includes board, lodging, or other advantage provided to an employee for the convenience of the employer.

§3-302.

This subtitle applies to an employer of both men and women in a lawful enterprise.

§3-303.

In addition to any powers set forth elsewhere, the Commissioner may:

(1) use informal methods of conference, conciliation, and persuasion to eliminate pay practices that are unlawful under this subtitle; and

(2) supervise the payment of a wage owing to an employee under this subtitle.

§3-304.

(a) In this section, “providing less favorable employment opportunities” means:

(1) assigning or directing the employee into a less favorable career track, if career tracks are offered, or position;

(2) failing to provide information about promotions or advancement in the full range of career tracks offered by the employer; or

(3) limiting or depriving an employee of employment opportunities that would otherwise be available to the employee but for the employee’s sex or gender identity.

(b)(1) An employer may not discriminate between employees in any occupation by:

- (i) inquiring about, discussing, or disclosing the wages of the employee or another employee; or
  - (ii) requesting that the employer provide a reason for why the employee's wages are a condition of employment;
- (2) require an employee to sign a waiver or any other document that purports to deny the employee the right to disclose or discuss the employee's wages; or

(II) Seek to confirm the wage history voluntarily provided by the applicant for employment to support a wage offer higher than the initial wage offered by the employer.

(3) An employer may rely on wage history under paragraph (2) of this subsection only if the higher wage does not create an unlawful pay differential based on protected characteristics under §3-304 of this subtitle.

(C) This section may not be construed to prohibit an applicant for employment from sharing wage history with an employer voluntarily.

§3-305.

(a) (1) Each employer shall keep each record that the Commissioner requires on:

- (i) wages of employees;
- (ii) job classifications of employees; and
- (iii) other conditions of employment.

(2)

- (i) makes a complaint to the employer, the Commissioner, or another person;
- (ii) brings an action under this subtitle or a proceeding that relates to the subject of this subtitle or causes the