

# Maryland Labor Law Posters



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Henry B. Ford  
Executive Director

Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor

**MARYLAND**  
**Commission on Human Relations**  
**Employment Discrimination**  
**is Unlawful**

"A qualified person cannot be denied employment because of Race, Color, Religion, Sex, Age, National Origin, Marital Status, Disability, Sexual Orientation or Genetic Information

(Article 49B, Annotated Code of Maryland)

**This means that-**

- **Employers cannot discriminate** in recruiting, interviewing, hiring, upgrading, setting working conditions or discharging;
- **Labor organizations cannot deny membership** to qualified persons or discriminate in apprentice training programs;
- **Employment agencies cannot discriminate** in job referrals, ask discriminatory pre-employment questions or circulate information that unlawfully limits employment;
- **Newspapers cannot publish** job advertisements that discriminate.

Know your rights and responsibilities under the law. Contact the

**Maryland Commission on Human Relations**

**410-767-8600**

**1-800-637-6247**

**[www.mchr.state.md.us](http://www.mchr.state.md.us)**

## MINIMUM WAGE

### WAGE & HOUR FACT SHEET

Extracts from and summary of the Labor and Employment Article, Title 3, Subtitle 4  
Annotated Code of Maryland

**\$7.25 per hour**

Beginning July 24, 2009

The minimum wage that must be paid to covered employees is \$7.25 per hour as of July 24, 2009 at 12:01 AM. With certain exceptions, time and a half the usual hourly rate must be paid for all hours worked in excess of 40 in a workweek.

Certain employees and establishments are exempt from both the minimum wage and overtime provisions. Exemptions include certain agricultural workers, executives, administrative and professional employees; employees of educational, charitable, religious and other non-profit organizations where the employee is working as a volunteer; employees of restaurants, cafes, drive-ins, taverns, and drug stores which sell food and drink for consumption on the premises where the annual gross is less than \$250,000, employees of motion picture and drive-in theaters; employees under 16 years of age working less than 20 hours per week; outside salesmen and individuals compensated on a commission basis; individuals 62 years of age and working not more than 25 hours a week; employees of establishments engaged in the first canning, packing or freezing of fruits, vegetables, poultry and seafood; the immediate family of the employer; those employees enrolled in a special educational program and non-administrative employees of organized camps.

Certain employers are exempt from the overtime provisions, but must pay their employees minimum wage. The following employers are exempt from overtime but subject to minimum wage: employers covered by certain railroad requirements of the Department of Transportation, the Federal Motor carrier Act and the Interstate Commerce Commission; employers operating a hotel, motel, restaurant, gas service station, an amusement or recreational establishment including certain swimming pools; employers operating a bona fide private country club; employers operating a non-profit entity in any of the following: providing in home care services for the sick, aged or individuals with disabilities; operating a theater, music festival, musical pavilion, theatrical show or concert promotion; employers who employ certain mechanics, parts-persons, or salespersons who primarily sell or service automobiles, farm equipment, trailers or trucks; employers who operate a taxicab business.

Employees of bowling establishments and institutions primarily engaged in the care of the sick, the aged, or individuals with disabilities who reside on the premises (other than hospitals) shall be paid time and one half after 48 hours.

Theater craft or trade employees that work for a "for profit" employer must be paid time and a half after 40 hours.

Covered agricultural workers must be paid time and a half after working 60 hours in any one workweek.

Employers are allowed to pay tipped employees (defined as employees regularly earning more than \$30 per month in tips) not less than \$3.63 per hour, provided each employee earns enough tips to bring their average hourly wage to at least the State minimum wage \$7.25 per hour. Deficiencies must be supplemented by the employer to bring the employee to the minimum wage level.

Employers covered by the Federal Fair Labor Standards Act may pay an opportunity wage of \$4.25 per hour to employees under 20 years of age during their first 90 consecutive calendar days of employment with an employer. Employers are prohibited from displacing employees in order to hire youth at the opportunity wage rate. Also prohibited are partial displacements such as reducing employees' hours, wages, or employment benefits.

Employers must keep records for 3 years in or about the premises where the employee is employed consisting of the name, address, race, gender and occupation of each employee, the rate of pay, amount paid each pay period, and the daily and weekly hours worked by each employee.

Penalties are prescribed for violations of the law.

**EMPLOYERS ARE REQUIRED TO POST THIS INFORMATION PURSUANT TO LABOR AND  
EMPLOYMENT ARTICLE, TITLE 3, SUBTITLE 4, ANNOTATED CODE OF MARYLAND**

# safety and health protection on the job

## MARYLAND OCCUPATIONAL SAFETY and HEALTH ACT

### PRIVATE SECTOR

The Maryland Occupational Safety and Health Act of 1973 provides job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the State. Requirements of the Act include the following:

**Employers:**

Each employer shall furnish to each of his or her employees employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious harm to employees, and shall comply with occupational safety and health standards issued under the Act.

**Employees:**

Each employee shall comply with all occupational safety and health standards, rules, regulations and orders issued under the Act that apply to his or her own actions and conduct on the job.

The Commissioner of Labor and Industry has the primary responsibility for administering the Act and issuing occupational safety and health standards. MOSH Safety and Health Inspectors conduct job site inspections to ensure compliance with the Act.

**Inspection:**

The Act requires that a representative authorized by the employees be given an opportunity to accompany the MOSH Inspector for the purpose of aiding the inspection.

Where there is no authorized employee representative, the MOSH Inspector shall consult with a reasonable number of employees concerning safety and health conditions in the workplace.

**Complaint:**

Employees or their representatives have the right to file a complaint with the Commissioner requesting an inspection if they believe unsafe or unhealthful conditions exist in their workplace. The Commissioner will withhold names of employees complaining on request.

The Act provides that employees may not be discharged or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under the Act.

An employee who believes he or she has been discriminated against may file a complaint with the Commissioner and/or the Federal Occupational Safety and Health Administration Regional Office within 30 days of the alleged discrimination.

**Citation:**

If upon an inspection the Commissioner believes an employer has violated the Act, a citation alleging such violations shall be issued to the employer. Each citation shall specify a time period within which the alleged violation must be corrected.

The MOSH citation must be prominently displayed at or near the place of alleged violation for three days, or until it is corrected, whichever is later, to warn employees of dangers that may exist there.

**Proposed Penalty:**

The Act provides for mandatory civil penalties against employers of up to \$7,000 for each serious violation and for optional penalties of up to \$7,000 for each nonserious violation. Civil penalties of up to \$7,000 per day may be proposed for failure to correct violations within the proposed time period. Also, any employer who willfully or repeatedly violates the Act may be assessed civil penalties of up to \$70,000 for each such violation.

Criminal penalties are also provided for in the Act. Any willful violation resulting in death of an employee, upon conviction, is punishable by a fine of not more than \$10,000 or by imprisonment for not more than six months, or by both. Conviction of an employer after a first conviction doubles these maximum penalties.

**Voluntary Activity:**

While providing penalties for violation, the Act also encourages efforts by labor and management to reduce injuries and illnesses arising out of employment. The Commissioner of Labor and Industry encourages employers and employees to reduce workplace hazards voluntarily and to develop and improve safety and health programs in all workplaces and industries.

Such cooperative action would initially focus on the identification and abatement of hazards that could cause death, injury, or illness to employees and supervisors. There are many public and private organizations that can provide information and assistance in this effort, if requested.

**STATE OF MARYLAND**

MARTIN O'MALLEY  
Governor

ANTHONY G. BROWN  
Lieutenant Governor

THOMAS E. PEREZ  
Secretary of Labor, Licensing and Regulation

ADDITIONAL INFORMATION, AND COPIES OF THE ACT, SPECIFIC MARYLAND OCCUPATIONAL SAFETY AND HEALTH STANDARDS, AND OTHER APPLICABLE REGULATIONS MAY BE OBTAINED FROM

**THE COMMISSIONER OF LABOR AND INDUSTRY**

1100 North Euseb Street  
Baltimore, Maryland 21201  
Phone: 410-787-SAFE

Complaints about State Program administration may be made to Regional Administrator, Occupational Safety and Health Administration, The Curtis Center, Suite 740 West, 170 S. Independence Mall West, Philadelphia, PA 19106-3308.

# WORKERS' COMPENSATION LA COMPENSACIÓN DEL TRABAJADOR

## in Maryland en Maryland

### Job Related Accidental Personal Injury or Occupational Disease?

If you are disabled and unable to work for more than three (3) days, your employer's workers' compensation insurance company may pay your medical bills and other expenses and replace two-thirds (2/3) of your salary (limited to the maximum set by law).

### If you are injured on the job:

1. Notify your employer or supervisor at once. You cannot receive full benefits unless your employer knows you are injured.
2. Tell the doctor who treats you that you were hurt on the job.
3. Complete an employee's Claim Form C-1 (available by phone or on the Commission's website) and send it to us as soon as possible.

**Note: Withholding information or giving false information about any work-related activity or return to work could prevent you from receiving benefits and may subject you to fines, imprisonment or both.**

Employer/Employador \_\_\_\_\_  
 Business Address/Dirección \_\_\_\_\_  
 City/State/ZIP \_\_\_\_\_  
 Ciudad/Estado/Código Postal \_\_\_\_\_  
 Federal Employer ID (FEIN) \_\_\_\_\_  
 Identificación Federal Del Empleador \_\_\_\_\_  
 Telephone Number/Número Telefónico \_\_\_\_\_  
 Id Computo de Seguro \_\_\_\_\_  
 Insurance Company Telephone \_\_\_\_\_  
 Teléfono de la Compañía de Seguro \_\_\_\_\_  
 MD WCC Form C-34

### ¿Accidentes por lesión/dño corporal relacionados con el Empleo o Enfermedad Profesional?

Si usted se encuentra incapacitado o inhabilitado para trabajar por más de tres días, el seguro de trabajadores que tienen las compañías pudiera cubrir los factures médicos y otros gastos relacionados. También le compensaron 2/3 de sus ingresos (Hasta un monto máximo estipulado por la ley)

### Si usted sufre una lesión en el trabajo, debe:

1. Informarle a su empleador o supervisor de inmediato. No podría recibir todos sus beneficios a menos que su empleador fuere notificado que sufrió una lesión.
2. Informarle al médico quien de administrar tratamiento que usted se lesionó en su trabajo.
3. Llenar el formulario Employee's Claim Form C-1 (disponible consultando la página del Internet para el Workers' Compensation o solicitando uno por teléfono). Diligenciarlo para que los oficinas del Workers' Compensation lo reciban lo antes posible.

**Adviso: El suministrar información falsa u ocultar información sobre cualquier actividad relacionada con su trabajo o relacionada con su regreso al trabajo, pudiera afectar los beneficios que recibiere o pudiere acarrearle multas, encarcelamiento o ambas.**

**Maryland Workers' Compensation Commission**  
**10 East Baltimore Street, Baltimore, Maryland 21202-1641**  
**(410) 864-5100 / Outside Baltimore (800) 492-0479**

Webpage - <http://www.wcc.state.md.us> / TTY Users 711 In Maryland or (800) 735-2258  
 This notice must be printed on 8.5" x 14" grid or yellow paper, display complete employer information and be provided to a compensated beneficiary of each work site or location in accordance with COMAR 14.09.01.02 and 14.09.01.03.

## CHILD LABOR

### Division of Labor and Industry

#### Employment of Minors (Work Permits)

##### Age:

- A minor under the age of 14 may not be employed or permitted to work unless the child is a model, performer or entertainer with a special permit. Special permits are issued only by the Commissioner's Office. Information can be obtained by calling (410) 767-2239.
- Minors 14 through 17 years of age may only work with a work permit.
- Certain activities are not considered employment for the purposes of this law provided the activity does not involve mining, manufacturing or hazardous occupations and it takes place outside the school day. Those activities include: farm work performed on a farm; domestic work performed in or about a home; work performed in a business owned or operated by a parent; work performed by unpaid volunteers, in a charitable or non-profit organization, employed with the written consent of the parent; caddying on a golf course; an instructor on an instructional sailboat; delivery of newspapers; work performed as a counselor, assistant counselor or instructor in a youth camp certified under the Maryland Youth Camp Act; and hazardous work performed by unpaid volunteers of a volunteer fire department who have completed or are taking a course of study relating to fire fighting or rescue and who are 16 years of age or older.

##### Hours:

###### Minors 14 and 15 years of age may not be employed or permitted to:

- work more than 4 hours on any day when school is in session
- work more than 8 hours a day on any day when school is not in session
- work more than 23 hours in any week when school is in session
- work more than 40 hours in any week when school is not in session
- work before 7:00 a.m. or after 8:00 p.m. Minors may work until 9:00 p.m. from Memorial Day to Labor Day.
- work more than 5 consecutive hours without a non-working period of at least 30 minutes.

Hours of work for minors employed by an employer covered by the Federal Fair Labor Standards Act are more restrictive than those allowed by Maryland law. In general, it is the more protective standards which apply.

###### Minors 16 and 17 years of age:

- May spend no more than 12 hours in a combination of school hours and work hours each day.
- Must be allowed at least 8 consecutive hours of non-work, non-school time in each 24 hour period.
- May not be permitted to work more than 5 consecutive hours without a non-working period of at least 30 minutes.

##### Occupations:

Certain occupations are declared to be hazardous by the U.S. Secretary of Labor and have been adopted by the Commissioner of Labor and Industry. The Commissioner has forbidden employment by minors under 18 in other occupations. Additional areas of employment are restricted to minors under the age of 16. Information on all of these areas of restricted employment is available from Issuing Officers in Maryland's secondary schools or from the Division of Labor and Industry. Find out more on the [Employment of Minors Fact Sheet](#).

##### Work Permits:

- **Work permits are required for all minors under the age of 18 to work in the State of Maryland.**
- Work permits are not issued to minors under the age of 14.
- Work permits are issued by Issuing Officers in Maryland secondary schools, and by the Division of Labor and Industry. Minors and their parents are encouraged to contact their local school to obtain a work permit.
- To obtain a Work Permit: Work permits are not issued until the minor has been offered a job. The work permit allows the minor to perform certain duties for a particular employer. If the minor changes jobs, a new work permit must be obtained. The work permit application form is available here on-line or may be obtained from the school, the minor completes some basic information. The work permit is taken to the employer who enters their name and address and describes the minor's duties. The employer signs the permit. The minor's parent or guardian signs the permit. The work permit is then taken to the Issuing Officer. Issuing Officers are required to verify the minor's date of birth and confirm that the employment is legal for the age of the minor. If the minor's date of birth is not on school records, then the minor must present proof of age. Acceptable documents include a birth certificate, motor vehicle identification, passport, baptismal certificate or other government document that verifies the date of birth. The validated work permit, with the Issuing Officer's signature must be in the employer's possession before the minor is permitted to work.

E-Mail Address: [dli@dli.state.md.us](mailto:dli@dli.state.md.us)





EQUAL PAY/EQUAL WORK

STATE OF MARYLAND  
DEPARTMENT OF LABOR, LICENSING AND REGULATION  
DIVISION OF LABOR AND INDUSTRY  
1100 N. EUTAW STREET • ROOM 607 • BALTIMORE, MARYLAND 21202

EQUAL PAY FOR EQUAL WORK  
Labor and Employment Article – Title 3, Subtitle 3  
Annotated Code of Maryland  
Subtitle 3. Equal Pay for Equal Work.

**§ 3-301. Definitions.**

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

(b) *Employer* -

- (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) *Wage* -

- (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. Scope of subtitle.**

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

**§ 3-303. Miscellaneous powers of Commissioner.**

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. Equal pay for equal work.**

(a) *In general.* - An employer may not discriminate between employees in any occupation by paying a wage to employees of 1 sex at a rate less than the rate paid to employees of the opposite sex if both employees work in the same establishment and perform work of comparable character or work on the same operation, in the same business, or of the same type.

(b) *Effect of requirement.* - Subsection (a) of this section does not prohibit a variation in a wage that is based on:

- (1) a seniority system that does not discriminate on the basis of sex;
- (2) a merit increase system that does not discriminate on the basis of sex;
- (3) jobs that require different abilities or skills;
- (4) jobs that require the regular performance of different duties or services; or
- (5) work that is performed on different shifts or at different times of day.

(c) *Reduction in wages.* - An employer who is paying a wage in violation of this subtitle may not reduce another wage to comply with this subtitle.

**§ 3-305. Records and reports.**

(a) *Records.* -

- (1) Each employer shall keep each record that the Commissioner requires on:
  - (i) wages of employees;
  - (ii) job classifications of employees;
  - (iii) racial classification of employees;
  - (iv) gender of employees; and
  - (v) other conditions of employment.

(b) An employer shall keep the records required under this section for the period of time that the Commissioner requires.

(c) *Reports.* - On the basis of the records required under this section, an employer shall make each report that the Commissioner requires.

(d) The Commissioner may analyze the records required under this section to study pay disparity issues.

**§ 3-306. Copies and posting of subtitle.**

(a) *Copies.* - On request of an employer, the Commissioner shall provide without charge a copy of this subtitle to the employer.

(b) *Posting.* - Each employer shall keep posted conspicuously in each place of employment a copy of this subtitle.

**§ 3-307. Action against employer by or for employee.**

(a) *Action by employee.* -

- (1) If an employer violates this subtitle, an affected employee may bring an action against the employer to recover the difference between the wages paid to male and female employees who do the same type work and an additional equal amount as liquidated damages.
- (2) An employee may bring an action on behalf of the employee and other employees similarly affected.

(b) *Assignment of claims.* - On the written request of an employee who is entitled to bring an action under this section, the Commissioner may:

- (1) take an assignment of the claim in trust for the employee;
- (2) ask the Attorney General to bring an action in accordance with this section on behalf of the employee; and
- (3) consolidate 2 or more claims against an employer.

(c) *Limitations period.* - An action under this section shall be filed within 3 years of the act on which the action is based.

(d) *Defense.* - The agreement of an employee to work for less than the wage to which the employee is entitled under this subtitle is not a defense to an action under this section.

(e) *Costs.* - If a court determines that an employee is entitled to judgment in an action under this section, the court shall allow against the employer reasonable counsel fees and other costs of the action.

**§ 3-308. Prohibited acts; penalties.**

(a) *Prohibited acts of employer.* - An employer may not:

- (1) willfully violate any provision of this subtitle;
- (2) hinder, delay, or otherwise interfere with the Commissioner or an authorized representative of the Commissioner in the enforcement of this subtitle;
- (3) refuse entry to the Commissioner or an authorized representative of the Commissioner into a place of employment that the Commissioner is authorized under this subtitle to inspect; or
- (4) discharge or otherwise discriminate against an employee because the employee:
  - (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 action or proceeding to be brought; or
  - (iii) has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle.

(b) *Prohibited acts of employee.* - An employee may not:

- (1) make a groundless or malicious complaint to the Commissioner or an authorized representative of the Commissioner;
- (2) in bad faith, bring an action under this subtitle;
- (3) in bad faith, bring a proceeding that relates to the subject of this subtitle; or
- (4) in bad faith, testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle.

(c) *Action by Commissioner.* - The Commissioner may bring an action for injunctive relief and damages against a person who violates subsection (a) (1) or (4) or subsection (b) (1), (3) or (4) of this section.

(d) *Penalties.* - An employer who violates any provision of subsection (a) (2) or (3) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$300.



**TO BE POSTED  
HEALTH INSURANCE COVERAGE**

You and other members of your family may be eligible under Maryland law to continue to be covered by your former employer's health insurance policy if:

- ◆ You are separated from your employment through no fault of your own, and
- ◆ You are covered by your employer under a group hospital-medical policy or a health maintenance organization (HMO) for at least three (3) months prior to being separated from your employment, and
- ◆ You do not have other similar insurance.

If you wish to continue your health insurance, you *MUST* give your employer written notice no later than forty-five (45) days after your last day of work.

**IMPORTANT:**

You will be responsible for paying the entire cost of the health insurance policy.

For further information about the program, you should contact your employer, or if necessary, telephone the Insurance Administration in Baltimore at (410) 468-2244 or 1-800-492-6116 (Ext. 2244).

State of Maryland  
Department of Labor, Licensing and Regulation

**THIS NOTICE APPLIES TO STATE LAW.  
YOU MAY HAVE BROADER BENEFITS UNDER FEDERAL LAW.**

**TO BE POSTED**

NO SMOKING

# NO SMOKING

