

HOUSE No. 4386

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 9, 2018.

The committee on Labor and Workforce Development to whom were referred the petition (accompanied by bill, House, No. 1037) of Keiko M. Orrall and others relative to nondiscrimination training in the workplace, and the petition (accompanied by bill, House, No. 1047) of Jonathan D. Zlotnik relative to nondiscrimination training in the workplace, reports recommending that the accompanying bill (House, No. 4386) ought to pass.

For the committee,

PAUL BRODEUR.

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In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to non discrimination training in the workplace.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 3A of Chapter 151B of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking out subsection (e), and replacing it with the
3 following:-

4 (e) Employers and labor organizations are encouraged to conduct an education and
5 training program for new non-supervisory employees and members, within one year of
6 commencement of employment or membership, which includes at a minimum the information,
7 set forth in this section.

8 SECTION 2. Chapter 151B of the General Laws, as appearing in the 2014 Official
9 Edition, is hereby amended by inserting after section 3A the following section:-

10 Section 3B. Training and education for supervisory and managerial employees

11 By January 1, 2020, employers are encouraged to provide at least 2hours of classroom or
12 other effective interactive training and education regarding illegal workplace discrimination,

harassment and retaliation to all supervisory and managerial employees who are employed as of July 1, 2019, and to all new supervisory and managerial employees within six months of their assumption of a supervisory or managerial position. After January 1, 2021, employers are encouraged to provide such training and education to each supervisory or managerial employee once every 2years.

(a) The training and education described in this section should include at a minimum (i) information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of workplace discrimination, harassment and retaliation, (ii) information about the remedies available to victims of workplace discrimination, harassment and retaliation, and (iii) practical examples aimed at instructing supervisors and managerial employees in the prevention of discrimination, harassment and retaliation. The training and education shall be presented by trainers or educators with knowledge and expertise in the prevention of discrimination, harassment and retaliation.

(b) A claim that the training and education described by this section did not reach a particular individual or individuals shall not in and of itself result in the liability of any employer to any present or former employee or applicant in an action alleging illegal workplace discrimination, harassment or retaliation. Conversely, an employer's compliance with this section does not insulate the employer from liability for discrimination, harassment or retaliation against any current or former employee or applicant.

(c) The training and education described in this section is intended to establish a minimum threshold and should not discourage any employer from providing for

35 longer, more frequent, or more elaborate training and education regarding unlawful workplace
36 discrimination, harassment and retaliation in order to meet its obligations to take all reasonable
37 steps necessary to prevent and correct discrimination, harassment and retaliation.