

HOUSE No. 1345

The Commonwealth of Massachusetts

PRESENTED BY:

Christine P. Barber

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to require sexual harassment prevention training.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>Maria Duaiame Robinson</i>	<i>6th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>

<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>

HOUSE No. 1345

By Ms. Barber of Somerville, a petition (accompanied by bill, House, No. 1345) of Christine P. Barber and others for legislation to require that employers provide sexual harassment prevention training to new employees and certify compliance of said training to the Attorney General. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to require sexual harassment prevention training.

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. Chapter 151B, Section 3A(e) of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by substituting and adding the following sections:

3 (e) Employers and labor organizations are required to provide employees with sexual
4 harassment prevention training within six months after the employee is hired, and on an annual
5 basis thereafter. An employer that does not use the model training developed by the
6 Massachusetts commission against discrimination must ensure that the training that they use
7 meets or exceeds the following minimum standards.

8 The training must:(1) be focused on compliance with the legal requirements of
9 employment non-discrimination law and on preventing sexual harassment in the workplace;

10 (2) be interactive; for employers with 50 or more employees it must be conducted by
11 qualified, live, interactive trainers, and for employers with less than 50 employees, it can be on-
12 line, video-based as long as it has an interactive component;

13 (3) for employers with 50 or more employees, it must be tailored to the specific type of
14 workplace, using examples and scenarios related to that workplace;

15 (4) be a minimum of two hours;

16 (5) include an explanation of sexual harassment consistent with guidance issued by the
17 Massachusetts commission against discrimination;

18 (6) include examples of conduct that would constitute unlawful sexual harassment as well
19 as conduct that, if left unchecked, might rise to the level of unlawful sexual harassment;

20 (7) include the consequences of engaging in conduct that is unacceptable in the
21 workplace, including that corrective action will be proportionate to the severity of the conduct;

22 (8) include information concerning the federal and state statutory provisions concerning
23 sexual harassment and remedies available to victims of sexual harassment;

24 (9) include bystander intervention training to enable bystanders to recognize potentially
25 problematic behaviors, to provide bystanders with skills to intervene as appropriate, and to
26 explain how an employee who witnesses potentially sexually harassing behavior can report that
27 information;

28 (10) include training that is geared toward preventing sexual harassment before it
29 happens, such as training that promotes a respectful workplace;

30 (11) include information concerning employees' rights of redress internally and
31 externally and all available forums for adjudicating complaints;

32 (12) include the specific responsibilities of supervisory and managerial employees and
33 the methods that such employees should take to ensure immediate and appropriate corrective
34 action in addressing sexual harassment complaints and in ending any ongoing sexual harassment;
35 and

36 (13) include a climate survey (in a form provided by the commission or consistent with
37 the commission's model form) for employers with 50 or more employees, which must be
38 completed every five years to identify risk factors and ongoing problems, and gauge the
39 effectiveness of the employer's sexual harassment training.

40 Each employee must receive training on an annual basis, starting January 1, 2020. An
41 employer's or labor organization's compliance with the training requirements of this section
42 shall not, in and of itself, protect the employer or labor organization from liability for sexual
43 harassment of any current or former employee or applicant.

44 (f) Employers and labor organizations are required annually to file a certification
45 statement with the Attorney General and signed by the chief executive, president, general
46 counsel or other senior executive certifying that all employees have received sexual harassment
47 prevention training during the previous year. The Attorney General shall conduct audits of
48 employers' and labor organizations' certification statements to ensure compliance with the
49 training requirements of this statute.