

**HOUSE . . . . . No. 1684**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Jeffrey N. Roy*

*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 concerning waivers in employment contracts.**

PETITION OF:

NAME:

*Jeffrey N. Roy*

DISTRICT/ADDRESS:

*10th Norfolk*

**HOUSE . . . . . No. 1684**

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By Mr. Roy of Franklin, a petition (accompanied by bill, House, No. 1684) of Jeffrey N. Roy relative to waivers in employment contracts. Labor and Workforce Development.

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**The Commonwealth of Massachusetts**

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

An Act concerning waivers in employment contracts.

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

1 Chapter 231 is hereby further amended by inserting after section 85AA the following  
2 section:-

3 Section 85BB. Any waiver, disclaimer, exclusion or limitation of liability in an  
4 employment application or other document purporting to release any third party from liability for  
5 injuries or death, whether in tort or contract, to an employee shall be void as against public  
6 policy, and no employee or employment applicant shall be required to agree to such waiver,  
7 disclaimer, exclusion or limitation of liability as a condition of his or her hiring or continued  
8 employment. The term “employee” as used in this section shall be as defined in section 1 of  
9 chapter 152, and shall include dependents of such employee, also as so defined, except that it  
10 shall not exclude an independent contractor, or any employee thereof, providing labor or  
11 materials to another. Any employer who violates this section shall be liable for a penalty equal to  
12 2 times the average weekly wage in the commonwealth plus the attorney’s fees and costs

- 13 incurred by the employee in any action involving a determination of the rights of the employee
- 14 under this section.