

SENATE No. 1057

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

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 training.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|------------------------------------|--|------------------|
| <i>Cynthia Stone Creem</i> | <i>First Middlesex and Norfolk</i> | |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> | <i>1/23/2019</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | <i>1/23/2019</i> |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> | <i>1/28/2019</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> | <i>1/28/2019</i> |
| <i>Jennifer E. Benson</i> | <i>37th Middlesex</i> | <i>1/29/2019</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>1/30/2019</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> | <i>1/31/2019</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | <i>1/31/2019</i> |
| <i>David Henry Argosky LeBoeuf</i> | <i>17th Worcester</i> | <i>1/31/2019</i> |
| <i>Joan B. Lovely</i> | <i>Second Essex</i> | <i>2/1/2019</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> | <i>2/1/2019</i> |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> | <i>2/1/2019</i> |
| <i>Rebecca L. Rausch</i> | <i>Norfolk, Bristol and Middlesex</i> | <i>2/1/2019</i> |
| <i>Julian Cyr</i> | <i>Cape and Islands</i> | <i>2/1/2019</i> |
| <i>James T. Welch</i> | <i>Hampden</i> | <i>2/7/2019</i> |
| <i>Joanne M. Comerford</i> | <i>Hampshire, Franklin and Worcester</i> | <i>2/11/2019</i> |
| <i>Harriette L. Chandler</i> | <i>First Worcester</i> | <i>2/25/2019</i> |

SENATE No. 1057

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1057) of Cynthia Stone Creem, Jack Patrick Lewis, Jason M. Lewis, Mike Connolly and other members of the General Court for legislation to require sexual harassment training. Labor and Workforce Development.

The Commonwealth of Massachusetts

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

An Act to require sexual harassment 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. Section 3A of Chapter 151B of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out subsection (e) and inserting in place thereof
3 the following subsection:-

4 (e) Employers and labor organizations shall provide employees with sexual harassment
5 prevention training not later than 6 months after the employee is hired, and on an annual basis
6 thereafter. Employers shall use either the model training developed by the Massachusetts
7 Commission Against Discrimination or a training that meets or exceeds the standards set forth in
8 this subsection. The training shall:

9 (i) be focused on compliance with the legal requirements of employment non-
10 discrimination law and on preventing sexual harassment in the workplace;

11 (ii) for employers with 50 or more employees, be conducted by qualified, live interactive
12 trainers, and for employers with fewer than 50 employees, may be on-line and video-based,
13 provided the training has an interactive component;

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

16 (iv) last not less than 2 hours;

17 (v) include an explanation of sexual harassment consistent with guidance issued by the
18 Massachusetts Commission Against Discrimination;

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

21 (vii) include the consequences of engaging in conduct that is unacceptable in the
22 workplace;

23 (viii) include information concerning federal and state law concerning sexual harassment
24 and remedies available to victims of sexual harassment;

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

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

31 (xi) include the specific responsibilities of supervisory and managerial employees and the
32 methods that those employees should take to ensure immediate and appropriate corrective action
33 in addressing sexual harassment complaints and in ending ongoing sexual harassment.

34 (f) Employers and labor organizations shall file annually a certification statement with the
35 attorney general and signed by the chief executive, president, general counsel or other senior
36 executive certifying all employees have received sexual harassment prevention training during
37 the previous year. The Attorney General shall have the authority to conduct audits of employers'
38 and labor organizations' certification statements to ensure compliance with the training
39 requirements of this statute.

40 SECTION 2. Chapter 151B of the General Laws is hereby amended by inserting the
41 following new section:

42 Section 3B: Employers and labor organizations shall conduct a climate survey every five
43 years. Climate surveys shall be anonymous and shall include, but not be limited to, an
44 assessment of: (i) employee knowledge and awareness of sexual harassment laws and policies,
45 including the complaint process and procedures; (ii) employee and supervisor knowledge of
46 prevention and reporting responsibilities; and (iii) whether employees have experienced sexual
47 harassment in the workforce. Employees shall be informed that participation in the climate
48 survey is not a condition of employment and that all results shall be collected in an anonymous
49 manner. This section shall not apply to employers or labor organizations with fewer than 50
50 employees.

51 Employers and labor organizations may use a model climate survey as developed by the
52 commission or a survey which meets or exceeds the standards set forth in this section.

53 SECTION 3. The Massachusetts Commission Against Discrimination shall develop a
54 model training policy and climate survey which may be used by employers and labor
55 organizations. The training policy and survey shall be made available to employers by January 1,
56 2020.

57 SECTION 3. This act shall take effect on July 1, 2020.