

SENATE No. 2716

The Commonwealth of Massachusetts

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

SENATE, May 21, 2020.

The committee on Labor and Workforce Development to whom was referred the petition (accompanied by bill, Senate, No. 1065) of Sal N. DiDomenico, Michael O. Moore, James B. Eldridge and Cindy F. Friedman for legislation relative to nondiscrimination, reports recommending that the accompanying bill (Senate, No. 2716) ought to pass.

For the committee,
Patricia D. Jehlen

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

An Act relative to nondiscrimination.

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 6A of the General Laws is hereby amended by inserting after
2 section 104 the following section:-

3 Section 105. Each executive department and agency shall develop, adhere to and update a
4 plan to address the nondiscrimination provisions as set forth in chapter 199 of the acts of 2011.
5 The plan shall apply to all personnel, including, but not limited to, volunteers and interns, agency
6 line staff, managers, administrators, executives, contracted vendors and program staff
7 (hereinafter “personnel”). The plan shall be updated at least biennially. Each plan shall include,
8 but not be limited to: descriptions of and statements prohibiting discrimination as outlined in
9 chapter 199 of the acts of 2011; procedures for collecting, maintaining and demographic data;
10 clear procedures for all personnel and others to report discrimination or retaliation; a provision
11 that reports of discrimination or retaliation may be made anonymously; provided, however, that
12 no disciplinary action shall be taken against personnel solely on the basis of an anonymous
13 report; clear procedures for promptly responding to and investigating reports of discrimination or
14 retaliation; the range of disciplinary actions that may be taken against a perpetrator for

15 discrimination or retaliation; provided, however, that the disciplinary actions shall balance the
16 need for accountability with the need to teach appropriate language, behavior and cultural
17 competence; strategies for protecting from retaliation a person who reports discrimination,
18 provides information during an investigation of discrimination; a strategy for providing
19 counseling or referral to appropriate services for perpetrators and victims of discrimination.
20 Beyond protecting individuals from discrimination, the plan should clearly outline executive
21 department and agency procedures for ensuring equal access to state services. The plan should
22 detail a plan and timeline for personnel training on nondiscrimination and equal access under
23 chapter 199 of the acts of 2011. The plan shall afford all individuals the same protection
24 regardless of their status under the law.

25 SECTION 2. Each executive department and agency shall submit nondiscrimination
26 plans, as outline in section 1, to the Clerks of the House and Senate, the Joint Committee on the
27 Judiciary, the Joint Committee on State Administration and Regulatory Oversight, the
28 Massachusetts Commission Against Discrimination, and Office of Diversity and Equal
29 Opportunity no later than January 1, 2021.