

SENATE No. 929

The Commonwealth of Massachusetts

PRESENTED BY:

Diana DiZoglio

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 sexual harassment policies in the commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Diana DiZoglio</i>	<i>First Essex</i>	
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>1/24/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/23/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>1/30/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/30/2019</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>1/30/2019</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	<i>1/30/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>1/28/2020</i>

SENATE No. 929

By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 929) of Diana DiZoglio, David F. DeCoste, Jason M. Lewis, Rebecca L. Rausch and other members of the General Court for legislation concerning sexual harassment policies in the commonwealth. The Judiciary.

The Commonwealth of Massachusetts

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

An Act concerning sexual harassment policies in the commonwealth.

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 149 of the General Laws is hereby amended by adding the
2 following section:

3 Section 192

4 (a) Any provision in a contract for employment that requires waiver of any substantive
5 or procedural constitutional or statutory right or remedy related to a claim pursuant to G.L. c.
6 151B sec 1 (18) shall henceforth be deemed void and unenforceable.

7 (b) Any provision in any contract that has the purpose or effect of concealing the details
8 relating to a claim related to G.L. ch. 151B sec. 4(16A) shall be void and unenforceable.

9 (c) No person or employer shall take any retaliatory action including, but not limited to
10 failure to hire, discharge, suspension, demotion, or adverse action related to any individual who
11 does not enter into any agreement as described in (a) or (b).

12 (d) Any settlement agreement that prevents the disclosure of factual information related
13 to claims under G.L. c. 151B sec 4(16A) is prohibited.

14 (e) Notwithstanding (d), a provision that shields the identity of the complainant and all
15 facts that could lead to the discovery of that person's identity may be included in any settlement
16 at the request of the complainant.

17 (f) Any claim made pursuant to this section shall not be exclusive nor shall it preempt
18 or invalidate procedures and remedies available under any other applicable law.

19 (g) Any person claiming to be aggrieved by a practice concerning sexual harassment as
20 defined in G.L. c. 151 sec 1 (18) shall be entitled to a trial by jury on any issue of fact in an
21 action for damages. Irrespective of the amount in controversy, if the court finds for the petitioner
22 it shall, in addition to any damages, award the petitioner reasonable attorney's fees and costs.

23 (h) The use of public funds shall never be used for the purpose of silencing a
24 complainant or concealing the details related to claims of sexual harassment or assault whether
25 or not raised in court or administrative proceedings.

26 (i) This act shall take effect immediately and shall apply to all contracts entered into,
27 renewed, modified or amended on or after such date.