

**HOUSE . . . . . No. 2018**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Jay D. Livingstone and Nika C. Elugardo***

*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 relative to employment protections for victims of abusive behavior.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>2/19/2021</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>2/26/2021</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>2/19/2021</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/23/2021</i>
<i>Steven C. Owens</i>	<i>29th Middlesex</i>	<i>2/23/2021</i>
<i>Ruth B. Balseer</i>	<i>12th Middlesex</i>	<i>2/24/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/24/2021</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/24/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/24/2021</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>2/26/2021</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>2/26/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/26/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>2/26/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/26/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/3/2021</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>3/8/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>3/5/2021</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>3/2/2021</i>

<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>3/10/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/15/2021</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>3/15/2021</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>3/26/2021</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>4/1/2021</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>5/3/2021</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>5/5/2021</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>5/6/2021</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>5/6/2021</i>
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>5/6/2021</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>5/6/2021</i>
<i>Orlando Ramos</i>	<i>9th Hampden</i>	<i>5/9/2021</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>5/9/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>5/14/2021</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>5/17/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>5/21/2021</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>5/26/2021</i>
<i>Joan Meschino</i>	<i>3rd Plymouth</i>	<i>6/28/2021</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>6/30/2021</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>11/12/2021</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>11/29/2021</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>12/6/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>12/9/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>1/6/2022</i>

**HOUSE . . . . . No. 2018**

By Representatives Livingstone of Boston and Elugardo of Boston, a petition (accompanied by bill, House, No. 2018) of Jay D. Livingstone, Nika C. Elugardo and others relative to employment protections for victims of abusive behavior. Labor and Workforce Development.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

An Act relative to employment protections for victims of abusive behavior.

*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 1 of Chapter 151B of the General Laws is hereby amended by  
2 inserting the following terms: -

3 24. The term “victim of abusive behavior” in subsections 1 through 3 of section 4 of this  
4 chapter, including section 1F, means a person who is experiencing or has experienced abusive  
5 behavior.

6 25. The term “abusive behavior” in this section and subsections 1 through 3 of section 4  
7 of this chapter, including subsection 1F, means (i) any behavior constituting domestic violence;  
8 (ii) stalking in violation of section 43 of chapter 265; (iii) sexual assault, which shall include a  
9 violation of sections 13B, 13B½, 13B¾, 13F, 13H, 22, 22A, 22B, 22C, 23, 23A, 23B, 24, 24B,  
10 26D, 50 or 51 of chapter 265 or sections 2, 3, or 35A of chapter 272; or (iv) kidnapping in  
11 violation of the third paragraph of section 26 of chapter 265.

12           26. The term “domestic violence” in this section means abuse against a person by (i) the  
13 person’s current or former spouse; (ii) someone with whom the person shares a child in common;  
14 (iii) someone with whom the person is or was cohabitating; (iv) someone with whom the person  
15 is related by consanguinity, adoption, or marriage; (v) someone with whom the person has or had  
16 an intimate, sexual, or romantic relationship or to whom the person is or was engaged to be  
17 married; or (vi) someone with whom the person is in a guardianship relationship.

18           27. The term “abuse” in this section means (i) attempting to cause or causing physical  
19 harm; (ii) placing another in fear of imminent serious physical harm; (iii) causing another to  
20 engage involuntarily in sexual relations by force, threat, or duress or engaging or threatening to  
21 engage in sexual activity with a dependent child; (iv) engaging in psychological, emotional, or  
22 mental abuse; (v) depriving another of health care, housing, food, or other necessities of life; (vi)  
23 engaging in harassment as defined in section 1 of chapter 258E; or (vii) restraining the liberty of  
24 another.

25           28. The term “psychological, emotional, or mental abuse” in this section means a pattern  
26 of threatening, humiliating, or intimidating actions that is designed to induce or likely to induce  
27 fear or terror or to restrict another person’s ability to exercise free will or autonomy, including  
28 but not limited to unreasonably engaging in any of the following as part of such a pattern:

29           (i) Isolating another person from friends, family, or other sources of support;

30           (ii) Limiting another person’s access to or use of family or personal money or financial  
31 resources;

32           (iii) Controlling, regulating, or monitoring the another person’s activities, movements,  
33 communications, daily behavior, finances, economic resources, or access to services;

- 34 (iv) Belittling, degrading, or demeaning another person;
- 35 (v) Threatening to harm or kill another or another person’s family member;
- 36 (vi) Threatening to publish personal or false information about another person or to make  
37 false reports to law enforcement authorities about another person;
- 38 (vii) Damaging another person’s property or household goods; or
- 39 (viii) Forcing another person to take part in criminal activity or child abuse.

40 29. The term “family member” in subsection 1F of section 4 of chapter 151B means (i) a  
41 spouse of the employee or prospective employee; (ii) a person with whom the employee or  
42 prospective employee has a child in common; (iii) a person with whom the employee or  
43 prospective employee has a substantive intimate, romantic, or sexual relationship, or a  
44 dependency relationship, and with whom the employee or prospective employee resides; (iv) a  
45 person to whom the employee or prospective employee is engaged to be married; (v) a parent,  
46 step-parent, child, step-child, sibling, step-sibling, grandparent, step-grandparent, grandchild, or  
47 step-grandchild of the employee or prospective employee; or (vi) a person with whom the  
48 employee or prospective employee is in a guardianship relationship.

49 SECTION 2. Section 4 of Chapter 151B of the General Laws is hereby amended, in  
50 subsection (1), after the word “ancestry” by inserting the following; - “status as a victim of  
51 abusive behavior.”.

52 SECTION 3. Section 4 of Chapter 151B of the General Laws is further amended, in  
53 subsection (2), after the word “information,” by inserting the following: - “pregnancy or a

54 condition related to said pregnancy including, but not limited to, lactation or the need to express  
55 breast milk for a nursing child, status as a victim of abusive behavior,”.

56 SECTION 4. Section 4 of Chapter 151B of the General Laws is further amended, in  
57 subsection (3), before the phrase “or status as a veteran”, by inserting “status as a victim of  
58 abusive behavior” and before the phrase “status as a veteran” by inserting “status as a victim of  
59 abusive behavior,”.

60 SECTION 5. Section 4 of Chapter 151B of the General Laws is further amended by  
61 inserting the following subsection: -

62 (1F) (a) For an employer, by itself or its agent, not to provide a reasonable  
63 accommodation to an employee or prospective employee who is experiencing or has experienced  
64 abusive behavior, or whose family member is experiencing or has experienced abusive behavior,  
65 if the employee or prospective employee requests an accommodation related to the abusive  
66 behavior; provided, however, that an employer is not required to provide an accommodation if  
67 the employer can demonstrate that the accommodation would impose an undue hardship on the  
68 employer’s business.

69 (b) For an employer, by itself or its agent, to (i) discharge, or in any other manner  
70 discriminate against, an employee for exercising the employee’s rights under this subsection,  
71 including requesting or using an accommodation under this subsection; (ii) refuse to hire, or in  
72 any other many discriminate against, a prospective employee for exercising the prospective  
73 employee’s rights under this subsection, including requesting or using an accommodation under  
74 this subsection; (iii) require an employee or prospective employee who requests an  
75 accommodation under this subsection to accept an accommodation that the employee or

76 prospective employee chooses not to accept; (iv) require an employee to take leave if a  
77 reasonable accommodation may be provided that permits the employee to perform the essential  
78 functions of the job without undue hardship to the employer’s business; or (v) make  
79 preemployment inquiry of a prospective employee as to whether the prospective will require a  
80 reasonable accommodation under this subsection.

81 (c) As used in this subsection, the following words shall have the following meanings  
82 unless the context clearly requires otherwise:

83 “Accommodation” means an adjustment to a job structure or schedule, workplace  
84 facility, or work requirement that enables an employee who is a victim of abusive behavior, or  
85 whose family member is a victim of abusive behavior, to be safe or to address issues directly  
86 related to the abusive behavior, including but not limited to (i) more frequent or longer paid or  
87 unpaid breaks; (ii) transfers, reassignments, or schedule changes; (iii) changing a work phone  
88 number, email address, or any other work contact, electronic or otherwise; (iv) installing or  
89 changing locks or work access mechanisms; (v) assisting with documentation of the abusive  
90 behavior; (vi) implementing safety procedures; or (vii) prohibiting the perpetrator of the abusive  
91 behavior from being on the workplace property or limiting the perpetrator’s access to the  
92 workplace property or portion thereof where the employee works; provided, however, that an  
93 employer shall not be required as part of providing a reasonable accommodation to discharge or  
94 transfer another employee or promote an employee who is not able to perform the essential  
95 functions of the job with or without a reasonable accommodation.

96 “Undue hardship” shall mean an action requiring significant difficulty or expense;  
97 provided, however, that the employer shall have the burden of proving undue hardship; provided

98 further, that in making a determination of undue hardship, the following factors shall be  
99 considered: (i) the nature and cost of the needed accommodation; (ii) the overall financial  
100 resources of the employer; (iii) the overall size of the business of the employer with respect to  
101 the number of employees and the number, type and location of its facilities; and (iv) any other  
102 impact of the reasonable accommodation on the employer's business.

103 (d) Upon the employer's receipt of a request from an employee or prospective employee  
104 for an accommodation under this subsection, the employee or prospective employee and the  
105 employer shall engage in a timely, good faith, and interactive process to determine an effective,  
106 reasonable accommodation.

107 (e) All employers will provide written notice to their employees of the right to be free  
108 from discrimination due to status as a victim of abusive behavior and of the right to a reasonable  
109 accommodation related to the abusive behavior. Such notice may be provided in a handbook,  
110 pamphlet, or other means of notice regularly used by the employer. In addition, all employers  
111 will provide such notice to (i) all new employees at the beginning of their employment and (ii)  
112 any employee or prospective employee who informs the employer that the employee, or  
113 prospective employee or family member of the employee or prospective employee, is a victim of  
114 abusive behavior not more than five days after the employer is so informed.

115 (f) Subject to appropriation, the commission shall develop courses of instruction and  
116 conduct public education efforts as necessary to inform employers, employees, and employment  
117 agencies, and, to the extent possible, the general population, about the rights and responsibilities  
118 established under this subsection not more than 180 days after the appropriation.

119 (g) This subsection shall not be construed to preempt, limit, diminish, or otherwise affect  
120 any other law relating to abusive behavior, including, but not limited to, leave for victims of  
121 abusive behavior under section 52E of chapter 149.

122 (h) An employer may require any employee or prospective employee requesting an  
123 accommodation under this subsection to provide documentation evidencing that the employee,  
124 the prospective employee, or a family member of the employee or the prospective employee is a  
125 victim of abusive behavior; provided, however, that an employer may not require the employee  
126 or prospective employee to produce, but may consider, documentation concerning the reasonable  
127 accommodation itself, including its type, form, scope, or duration; provided further, that an  
128 employer shall not require the employee or prospective employee to show evidence of an arrest,  
129 conviction, or other law enforcement documentation for such abusive behavior. The employee  
130 or prospective employee shall provide such documentation to the employer within a reasonable  
131 period after the employer requests such documentation. The employer must provide a reasonable  
132 accommodation in a timely manner and may not delay providing reasonable accommodation  
133 pending receipt of the documentation; provided that if the employee or prospective employee  
134 requests that the accommodation begin before such documentation can be provided, the  
135 employee or prospective employee shall provide the documentation to the employer within 30  
136 days of requesting the accommodation. The provision of any documentation provided to an  
137 employer under this paragraph does not waive or diminish the confidential or privileged nature  
138 of communications between a victim of abusive behavior and one or more individuals named in  
139 this paragraph.

140           The employer may maintain any documentation provided under this paragraph in an  
141 employee file but only for as long as required for the employer to make a determination as to  
142 whether the employee is entitled to a reasonable accommodation under this subsection.

143           The employee or prospective employee shall satisfy the documentation requirement by  
144 providing any one of the following documents to the employer concerning the abusive behavior  
145 against the employee, prospective employee, or family member of the employee or prospective  
146 employee, and the employer may not require the employee or prospective employee to provide a  
147 specific type of documentation from among the following documents:

148           (1) A protective order, or an order of equitable relief or other documentation, issued by a  
149 court of competent jurisdiction as a result of such abusive behavior, including but not limited to  
150 an order issued pursuant to chapter 209A or chapter 258E;

151           (2) A document under the letterhead of a court, public agency, or social service, health  
152 care, or other service provider that the victim of such abusive behavior attended for the purposes  
153 of acquiring assistance as it relates to the abusive behavior;

154           (3) A police report or statement of a victim or witness provided to police, including a  
155 police incident report, documenting such abusive behavior;

156           (4) Documentation that the perpetrator of such abusive behavior has been convicted of,  
157 has been adjudicated a juvenile delinquent by reason of, or has admitted to sufficient facts to  
158 support a finding of guilt of any offense constituting such abusive behavior;

159           (5) Documentation of health care treatment as a result of such abusive behavior;

160 (6) A sworn statement, signed under the penalties of perjury, provided by a counselor,  
161 social worker, health care worker, member of the clergy, shelter worker, legal advocate, or other  
162 professional who has assisted the victim of such abusive behavior in addressing the effects of  
163 such abusive behavior;

164 (7) A sworn statement, signed under the penalties of perjury, from the victim of such  
165 abusive behavior attesting to such abusive behavior; or

166 (8) Any other form of documentation or relevant evidence that reasonably corroborates or  
167 certifies that the employee, prospective employee, or family member of the employee or  
168 prospective employee is a victim of abusive behavior.

169 (i) An employee or prospective employee requesting an accommodation under this  
170 subsection is not required to produce any documentation to, or discuss any information with, the  
171 employer that would in any way compromise the safety of the victim of the abusive behavior,  
172 and an employer is prohibited from requiring any such production or disclosure.

173 (j) An employer shall maintain the confidentiality of all documentation and information  
174 provided by the employee or prospective employee related to the abusive behavior, including  
175 that the employee, prospective employee, or employee's family member is a victim of abusive  
176 behavior or that the employee or prospective employee has requested or obtained a reasonable  
177 accommodation under this subsection, except under the following conditions: (i) the employee or  
178 prospective employee requests or consents in writing that such documentation or information be  
179 disclosed; (ii) the employer is ordered by a court of competent jurisdiction or administrative  
180 agency to disclose such documentation or information; (iii) disclosure is otherwise required by  
181 applicable federal or state law; (iv) disclosure is required in the course of an investigation

182 authorized by law enforcement, including, but not limited to, an investigation by the attorney  
183 general; or (v) disclosure is necessary to protect the safety of the employee or others employed at  
184 the workplace.

185 (k) No employer shall (i) coerce, interfere with, restrain, or deny the exercise of, or any  
186 attempt to exercise, any rights provided under this subsection or (ii) make reasonable  
187 accommodations requested or taken hereunder contingent upon whether or not the employee,  
188 prospective employee, or victim of the abusive behavior where a family member the victim is the  
189 victim, maintains contact with the alleged abuser.

190 SECTION 6. Section 52E of Chapter 149 of the General Laws is hereby amended by  
191 striking out subsection (a) in its entirety and thereby replacing it with the following subsection:

192 (a) For purposes of this section, the following words shall have the following meanings,  
193 unless the context clearly indicates otherwise:

194 “Abuse,” (i) attempting to cause or causing physical harm; (ii) placing another in fear of  
195 imminent serious physical harm; (iii) causing another to engage involuntarily in sexual relations  
196 by force, threat, or duress or engaging or threatening to engage in sexual activity with a  
197 dependent child; (iv) engaging in psychological, emotional, or mental abuse; (v) depriving  
198 another of health care, housing, food, or other necessities of life; (vi) engaging in harassment as  
199 defined in section 1 of chapter 258E; or (vii) restraining the liberty of another.

200 “Abusive behavior,” (i) any behavior constituting domestic violence; (ii) stalking in  
201 violation of section 43 of chapter 265; (iii) sexual assault, which shall include a violation of  
202 sections 13B, 13B½, 13B¾, 13F, 13H, 22, 22A, 22B, 22C, 23, 23A, 23B, 24, 24B, 26D, 50 or 51

203 of chapter 265 or sections 2, 3, or 35A of chapter 272; or (iv) kidnapping in violation of the third  
204 paragraph of section 26 of chapter 265.

205 “Domestic violence,” abuse against a person by (i) the person’s current or former spouse;  
206 (ii) someone with whom the person shares a child in common; (iii) someone with whom the  
207 person is or was cohabitating; (iv) someone with whom the person is related by consanguinity,  
208 adoption, or marriage; (v) someone with whom the person has or had an intimate, sexual, or  
209 romantic relationship or to whom the person is or was engaged to be married; or (vi) someone  
210 with whom the person is in a guardianship relationship.

211 “Employees”, individuals who perform, or who have been hired to perform, services for  
212 and under the control and direction of an employer for wages or other remuneration.

213 “Family member,” (i) a spouse of the employee or prospective employee; (ii) a person  
214 with whom the employee or prospective employee has a child in common;(iii) a person with  
215 whom the employee or prospective employee has a substantive intimate, romantic, or sexual  
216 relationship, or a dependency relationship, and with whom the employee or prospective  
217 employee resides; (iv) a person to whom the employee or prospective employee is engaged to be  
218 married; (v) a parent, step-parent, child, step-child, sibling, step-sibling, grandparent, step-  
219 grandparent, grandchild, or step-grandchild of the employee or prospective employee; or (vi) a  
220 person with whom the employee or prospective employee is in a guardianship relationship.

221 “Psychological, emotional, or mental abuse,” a pattern of threatening, humiliating, or  
222 intimidating actions that is designed to induce or likely to induce fear or terror or to restrict  
223 another person’s ability to exercise free will or autonomy, including but not limited to  
224 unreasonably engaging in any of the following as part of such a pattern:

- 225 Isolating another person from friends, family, and other sources of support;
- 226 (i) Isolating another person from friends, family, and other sources of support;
- 227 (ii) Limiting another person’s access to or use of family or personal money or financial  
228 resources;
- 229 (iii) Controlling, regulating, or monitoring the another person’s activities, movements,  
230 communications, daily behavior, finances, economic resources, or access to services;
- 231 (iv) Belittling, degrading, or demeaning another person;
- 232 (v) Threatening to harm or kill another or another person’s family member;
- 233 (vi) Threatening to publish personal or false information about another person or to make  
234 false reports to law enforcement authorities about another person;
- 235 (vii) Damaging another person’s property or household goods; or
- 236 (viii) Forcing another person to take part in criminal activity or child abuse.

237 SECTION 7. Subsection (b)(ii) of Section 52E of Chapter 149 of the General Laws is  
238 hereby amended, after the word “attention”, by inserting the following: - “or other health care,”.

239 SECTION 8. Subsection (d) of Section 52E of Chapter 149 of the General Laws is hereby  
240 amended by inserting, in the first sentence, after the phrase “safety of an employee”, the  
241 following phrase: - “or family member of the employee,” and by striking out the figure “(7)” and  
242 thereby replacing it with the figure “(8)”.

243 SECTION 9. Subsection (e) of Section 52E of Chapter 149 of the General Laws is hereby  
244 amended by striking out the subsection in its entirety and replacing it with the following  
245 subsection: -

246 (e) An employer may require an employee or prospective employee requesting leave  
247 under this section to provide documentation evidencing that the employee, prospective  
248 employee, or family member of the employee or prospective employee is a victim of abusive  
249 behavior and that the leave taken is consistent with the conditions of clauses (i) to (iii), inclusive,  
250 of subsection (b); provided, however, that an employer shall not require an employee or  
251 prospective employee to show evidence of an arrest, conviction or other law enforcement  
252 documentation for such abusive behavior. An employee or prospective employee shall provide  
253 such documentation to the employer within a reasonable period after the employer requests  
254 documentation relative to the employee's absence. An employee or prospective employee shall  
255 satisfy this documentation requirement by providing any 1 of the following documents to the  
256 employer, and the employer may not require the employee or prospective employee to provide a  
257 specific type of documentation from among the following documents.

258 (1) A protective order, or order of equitable relief or other documentation, issued by a  
259 court of competent jurisdiction as a result of abusive behavior, including but not limited to an  
260 order issued pursuant to chapter 209A or chapter 258E.

261 (2) A document under the letterhead of the court, public agency, or social service, health  
262 care, or other service provider which the victim of the abusive behavior attended for the purposes  
263 of acquiring assistance as it relates to the abusive behavior.

264 (3) A police report or statement of a victim or witness provided to police, including a  
265 police incident report, documenting the abusive behavior.

266 (4) Documentation that the perpetrator of the abusive behavior has been convicted of, has  
267 been adjudicated a juvenile delinquent by reason of, or has admitted to sufficient facts to support  
268 a finding of guilt of any offense constituting such abusive behavior

269 (5) Documentation of health care treatment as a result of the abusive behavior.

270 (6) A sworn statement, signed under the penalties of perjury, provided by a counselor,  
271 social worker, health care worker, member of the clergy, shelter worker, legal advocate or other  
272 professional who has assisted the victim of the abusive behavior in addressing the effects of the  
273 abusive behavior.

274 (7) A sworn statement, signed under the penalties of perjury, from the victim of the  
275 abusive behavior attesting to the abusive behavior.

276 (8) Any other form of documentation or relevant evidence that reasonably corroborates or  
277 certifies that the employee, prospective employee, or family member of the employee or  
278 prospective employee is a victim of abusive behavior.

279 Any documentation provided to an employer under this section may be maintained by the  
280 employer in an employee file but only for as long as required for the employer to make a  
281 determination as to whether the employee is eligible for leave under this section. The provision  
282 of any documentation to an employer under this paragraph does not waive or diminish the  
283 confidential or privileged nature of communications between the victim of the abusive behavior  
284 and any of the categories of professionals listed in this paragraph.

285           An employee or prospective employee requesting leave under this section is not required  
286 to produce any documentation to, or discuss any information with, the employer that would in  
287 any way compromise the safety of the victim of the abusive behavior, and an employer is  
288 prohibited from requiring any such production or disclosure.

289           SECTION 10. Subsection (f)(i) of Section 52E of Chapter 149 of the General Laws is  
290 hereby amended by inserting, after the word “employee”, the words “or prospective employee;”.

291           SECTION 11. Subsection (g) of Section 52E of Chapter 149 of the General Laws is  
292 hereby amended by striking the word “taking” and thereby replacing it with the word “seeking”.

293           SECTION 12. Subsection (h) of Section 52E of Chapter 149 of the General Laws is  
294 hereby amended by inserting, after the word “victim”, the phrase “of the abusive behavior”, and  
295 after the words “this section or” by striking out the word “to”.

296           SECTION 13. Subsection (i) of Section 52E of Chapter 149 of the General Laws is  
297 hereby amended by inserting, after the word “section”, the phrase “or refuse to hire, or in any  
298 other manner discriminate against a prospective employee for exercising the prospective  
299 employee’s rights under this section.”