

**HOUSE . . . . . No. 1918**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Jay D. Livingstone***

*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>1/20/2023</i> |
| <i>Natalie M. Higgins</i>          | <i>4th Worcester</i>                    | <i>1/25/2023</i> |
| <i>David Henry Argosky LeBoeuf</i> | <i>17th Worcester</i>                   | <i>1/25/2023</i> |
| <i>Tram T. Nguyen</i>              | <i>18th Essex</i>                       | <i>1/25/2023</i> |
| <i>Steven Owens</i>                | <i>29th Middlesex</i>                   | <i>1/25/2023</i> |
| <i>Lindsay N. Sabadosa</i>         | <i>1st Hampshire</i>                    | <i>1/26/2023</i> |
| <i>Christine P. Barber</i>         | <i>34th Middlesex</i>                   | <i>1/30/2023</i> |
| <i>Vanna Howard</i>                | <i>17th Middlesex</i>                   | <i>1/31/2023</i> |
| <i>Michelle M. DuBois</i>          | <i>10th Plymouth</i>                    | <i>2/7/2023</i>  |
| <i>Patrick M. O'Connor</i>         | <i>First Plymouth and Norfolk</i>       | <i>2/13/2023</i> |
| <i>Jack Patrick Lewis</i>          | <i>7th Middlesex</i>                    | <i>2/13/2023</i> |
| <i>Dylan A. Fernandes</i>          | <i>Barnstable, Dukes and Nantucket</i>  | <i>2/22/2023</i> |
| <i>Jennifer Balinsky Armini</i>    | <i>8th Essex</i>                        | <i>2/23/2023</i> |
| <i>Ruth B. Balsler</i>             | <i>12th Middlesex</i>                   | <i>2/23/2023</i> |
| <i>Samantha Montaño</i>            | <i>15th Suffolk</i>                     | <i>2/23/2023</i> |
| <i>Adrian C. Madaro</i>            | <i>1st Suffolk</i>                      | <i>2/24/2023</i> |
| <i>Rodney M. Elliott</i>           | <i>16th Middlesex</i>                   | <i>3/4/2023</i>  |
| <i>Rebecca L. Rausch</i>           | <i>Norfolk, Worcester and Middlesex</i> | <i>3/6/2023</i>  |

|                                |                              |                   |
|--------------------------------|------------------------------|-------------------|
| <i>Adrienne Pusateri Ramos</i> | <i>14th Essex</i>            | <i>3/15/2023</i>  |
| <i>Joan B. Lovely</i>          | <i>Second Essex</i>          | <i>4/12/2023</i>  |
| <i>Angelo J. Puppolo, Jr.</i>  | <i>12th Hampden</i>          | <i>4/14/2023</i>  |
| <i>Ryan C. Fattman</i>         | <i>Worcester and Hampden</i> | <i>4/14/2023</i>  |
| <i>Joan Meschino</i>           | <i>3rd Plymouth</i>          | <i>5/26/2023</i>  |
| <i>Estela A. Reyes</i>         | <i>4th Essex</i>             | <i>6/20/2023</i>  |
| <i>Kay Khan</i>                | <i>11th Middlesex</i>        | <i>7/17/2023</i>  |
| <i>James K. Hawkins</i>        | <i>2nd Bristol</i>           | <i>10/18/2023</i> |
| <i>Steven Ultrino</i>          | <i>33rd Middlesex</i>        | <i>10/19/2023</i> |
| <i>Shirley B. Arriaga</i>      | <i>8th Hampden</i>           | <i>10/23/2023</i> |
| <i>Sean Garballey</i>          | <i>23rd Middlesex</i>        | <i>10/24/2023</i> |
| <i>William F. MacGregor</i>    | <i>10th Suffolk</i>          | <i>11/1/2023</i>  |

# HOUSE . . . . . No. 1918

By Representative Livingstone of Boston, a petition (accompanied by bill, House, No. 1918) of Jay D. Livingstone 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-Third General Court  
(2023-2024)

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 or was 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; (iv) engaging in  
21 psychological, emotional, or mental abuse; (v) depriving another of health care, housing, food, or  
22 other necessities of life; (vi) engaging in harassment as defined in section 1 of chapter 258E; or  
23 (vii) restraining the liberty of another.

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

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

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

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

- 33 (iv) Belittling, degrading, or demeaning another person;
- 34 (v) Threatening to harm, to sexually assault or kill another or another person’s family  
35 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 or was in a guardianship relationship.

49 30. The term “prospective employee” in subsection 1F of section 4 of chapter 151B  
50 means a person who (i) has applied for employment with the employer, (ii) has been personally  
51 asked to apply for employment with the employer by the employer or employer’s agent, or (iii)  
52 has been offered employment with the employer, even if conditional.

53           31. The term “health care” in this section and in subsection 1F of section 4 of chapter  
54 151B includes medical health care, mental health care, substance abuse services, hospital care,  
55 dental health care and rehabilitative services.

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

59           SECTION 3. Section 4 of Chapter 151B of the General Laws is further amended, in  
60 subsection (2), after the word “information,” by inserting the following: - “pregnancy or a  
61 condition related to said pregnancy including, but not limited to, lactation or the need to express  
62 breast milk for a nursing child, status as a victim of abusive behavior,”.

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

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

69           (1F) (a) For an employer, by itself or its agent, not to provide a reasonable  
70 accommodation to an employee or prospective employee who is experiencing or has experienced  
71 abusive behavior, or whose family member is experiencing or has experienced abusive behavior,  
72 if the employee or prospective employee requests an accommodation related to the abusive  
73 behavior; provided, however, that an employer is not required to provide an accommodation if

74 the employer can demonstrate that the accommodation would impose an undue hardship on the  
75 employer's business.

76 (b) For an employer, by itself or its agent, to (i) discharge, or in any other manner  
77 discriminate against, an employee for exercising the employee's rights under this subsection,  
78 including requesting or using an accommodation under this subsection; (ii) refuse to hire, or in  
79 any other manner discriminate against, a prospective employee for exercising the prospective  
80 employee's rights under this subsection, including requesting or using an accommodation under  
81 this subsection; (iii) require an employee or prospective employee who requests an  
82 accommodation under this subsection to accept an accommodation that the employee or  
83 prospective employee chooses not to accept if that accommodation is unnecessary to enable the  
84 employee to perform the essential functions of the job; (iv) require an employee to take leave if a  
85 reasonable accommodation may be provided that permits the employee to perform the essential  
86 functions of the job without undue hardship to the employer's business; or (v) make  
87 preemployment inquiry of a prospective employee as to whether the prospective employee will  
88 require a reasonable accommodation under this subsection, unless the prospective employee first  
89 voluntarily discloses to the employer, or employer's agent, a situation that would qualify the  
90 prospective employee for a reasonable accommodation under this section.

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

93 "Accommodation" means a temporary or permanent adjustment to a job structure or  
94 schedule, workplace facility, or work requirement that enables an employee who is a victim of  
95 abusive behavior, or whose family member is a victim of abusive behavior, to be safe or to

96 address issues directly related to the abusive behavior, including but not limited to (i) more  
97 frequent or longer paid or unpaid breaks; (ii) transfers, reassignments, or schedule changes; (iii)  
98 changing a work phone number, email address, or any other work contact, electronic or  
99 otherwise; (iv) installing or changing locks or work access mechanisms; (v) assisting with  
100 documentation of the abusive behavior; (vi) implementing safety procedures; or (vii) prohibiting  
101 the perpetrator of the abusive behavior from being on the workplace property or limiting the  
102 perpetrator's access to the workplace property or portion thereof where the employee works;  
103 provided, however, that an employer shall not be required as part of providing a reasonable  
104 accommodation to discharge or transfer another employee or promote an employee who is not  
105 able to perform the essential functions of the job with or without a reasonable accommodation.

106 "Undue hardship" shall mean an action requiring significant difficulty or expense;  
107 provided, however, that the employer shall have the burden of proving undue hardship; provided  
108 further, that in making a determination of undue hardship, the following factors shall be  
109 considered: (i) the nature and cost of the needed accommodation; (ii) the overall financial  
110 resources of the employer; (iii) the overall size of the business of the employer with respect to  
111 the number of employees and the number, type and location of its facilities; and (iv) any other  
112 impact of the reasonable accommodation on the employer's business.

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

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

125 (f) Subject to appropriation, the commission shall develop courses of instruction and  
126 conduct public education efforts as necessary to inform employers, employees, and employment  
127 agencies, and, to the extent possible, the general population, about the rights and responsibilities  
128 established under this subsection not more than 180 days after the appropriation. Employers are  
129 encouraged to conduct an education and training program for new employees and members  
130 within one year of commencement of employment that includes information on the nature and  
131 extent of abusive behavior, issues of privacy and confidentiality, and the availability of  
132 reasonable accommodations. Employers are encouraged to conduct additional training for new  
133 supervisory and managerial employees within one year of commencement of employment that  
134 includes information on the nature and extent of abusive behavior, issues of privacy and  
135 confidentiality, and the availability of reasonable accommodations.

136 (g) This subsection shall not be construed to preempt, limit, diminish, or otherwise affect  
137 any other law relating to leave or to abusive behavior, provided, however, that to the extent the  
138 reasonable accommodation requested pursuant to this section is a leave of absence, that leave  
139 need not exceed the amount of leave permitted under section 52E of chapter 149.

140 (h) An employer may require any employee or prospective employee requesting an  
141 accommodation under this subsection to provide documentation evidencing that the employee,  
142 the prospective employee, or a family member of the employee or the prospective employee is a  
143 victim of abusive behavior; provided, however, that an employer may not require the employee  
144 or prospective employee to produce, but may consider, documentation concerning the reasonable  
145 accommodation itself, including its type, form, scope, or duration; provided further, that an  
146 employer shall not require the employee or prospective employee to show evidence of an arrest,  
147 conviction, or other law enforcement documentation for such abusive behavior. The employee  
148 or prospective employee shall provide such documentation to the employer within a reasonable  
149 period after the employer requests such documentation, such reasonable period not to be shorter  
150 than 30 days. The employer must provide a reasonable accommodation in a timely manner and  
151 may not delay providing reasonable accommodation pending receipt of the documentation;  
152 provided that if the employee or prospective employee requests that the accommodation begin  
153 before such documentation can be provided, the employee or prospective employee shall provide  
154 the documentation to the employer within 30 days of requesting the accommodation. The  
155 employer may periodically require the employee to provide documentation showing continued  
156 need for any temporary accommodation, but no more often than every six months or when the  
157 employer learns of a significant change in the situation that necessitated the accommodation. The  
158 provision of any documentation provided to an employer under this paragraph does not waive or  
159 diminish the confidential or privileged nature of communications between a victim of abusive  
160 behavior and one or more individuals named in this paragraph.

161 The employer may maintain any documentation provided under this paragraph only in a  
162 separate, confidential file and only for as long as required for the employer to make a

163 determination as to whether the employee is entitled to a reasonable accommodation under this  
164 subsection.

165 The employee or prospective employee shall satisfy the documentation requirement by  
166 providing any one of the following documents to the employer concerning the abusive behavior  
167 against the employee, prospective employee, or family member of the employee or prospective  
168 employee, and the employer may not require the employee or prospective employee to provide a  
169 specific type of documentation from among the following documents:

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

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

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

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

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

182 (6) A sworn statement, signed under the penalties of perjury, provided by a counselor,  
183 social worker, health care worker, member of the clergy, shelter worker, legal advocate, or other

184 professional who has assisted the victim of such abusive behavior in addressing the effects of  
185 such abusive behavior;

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

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

191 (i) An employee or prospective employee requesting an accommodation under this  
192 subsection is not required to produce any documentation to, or discuss any information with, the  
193 employer that would in any way compromise the safety of the victim of the abusive behavior,  
194 and an employer is prohibited from requiring any such production or disclosure except to the  
195 extent such documentation or information is necessary to provide or effectuate the  
196 accommodation, to protect the safety of the employee or others employed at the workplace, or to  
197 enable the employer to satisfy legal obligations.

198 (j) An employer shall maintain the confidentiality of all documentation and information  
199 provided by the employee or prospective employee related to the abusive behavior, including  
200 that the employee, prospective employee, or employee's family member is a victim of abusive  
201 behavior or that the employee or prospective employee has requested or obtained a reasonable  
202 accommodation under this subsection, except under the following conditions: (i) the employee or  
203 prospective employee requests or consents in writing that such documentation or information be  
204 disclosed; (ii) the employer is ordered by a court of competent jurisdiction or administrative  
205 agency to disclose such documentation or information; (iii) disclosure is otherwise required by

206 applicable federal or state law; (iv) disclosure is required in the course of an investigation  
207 authorized by law enforcement, including, but not limited to, an investigation by the attorney  
208 general; or (v) disclosure is necessary to protect the safety of the employee or others employed at  
209 the workplace or to provide or effectuate the accommodation.

210 (k) No employer shall (i) coerce, interfere with, restrain, or deny the exercise of, or any  
211 attempt to exercise, any rights provided under this subsection or (ii) make reasonable  
212 accommodations requested or taken hereunder contingent upon whether or not the employee,  
213 prospective employee, or victim of the abusive behavior maintains contact with the alleged  
214 abuser.

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

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

219 “Abuse,” (i) attempting to cause or causing physical harm; (ii) placing another in fear of  
220 imminent serious physical harm; (iii) causing another to engage involuntarily in sexual relations  
221 by force, threat, or duress; (iv) engaging in psychological, emotional, or mental abuse; (v)  
222 depriving another of health care, housing, food, or other necessities of life; (vi) engaging in  
223 harassment as defined in section 1 of chapter 258E; or (vii) restraining the liberty of another.

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

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

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

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

237 “Family member,” (i) a spouse of the employee or prospective employee; (ii) a person  
238 with whom the employee or prospective employee has a child in common;(iii) a person with  
239 whom the employee or prospective employee has a substantive intimate, romantic, or sexual  
240 relationship, or a dependency relationship, and with whom the employee or prospective  
241 employee resides; (iv) a person to whom the employee or prospective employee is engaged to be  
242 married; (v) a parent, step-parent, child, step-child, sibling, step-sibling, grandparent, step-  
243 grandparent, grandchild, or step-grandchild of the employee or prospective employee; or (vi) a  
244 person with whom the employee or prospective employee is or was in a guardianship  
245 relationship.

246 “Psychological, emotional, or mental abuse,” a pattern of threatening, humiliating, or  
247 intimidating actions that is designed to induce or likely to induce fear or terror or to restrict

248 another person's ability to exercise free will or autonomy, including but not limited to  
249 unreasonably engaging in any of the following as part of such a pattern:

250 Isolating another person from friends, family, and other sources of support;

251 (i) Isolating another person from friends, family, and other sources of support;

252 (ii) Limiting another person's access to or use of family or personal money or financial  
253 resources;

254 (iii) Controlling, regulating, or monitoring another person's activities, movements,  
255 communications, daily behavior, finances, economic resources, or access to services;

256 (iv) Belittling, degrading, or demeaning another person;

257 (v) Threatening to harm, to sexually assault or to kill another or another person's family  
258 member;

259 (vi) Threatening to publish personal or false information about another person or to make  
260 false reports to law enforcement authorities about another person;

261 (vii) Damaging another person's property or household goods; or

262 (viii) Forcing another person to take part in criminal activity or child abuse.

263 "Prospective employee", a person who (i) has applied for employment with the employer,  
264 (ii) has been personally asked to apply for employment with the employer by the employer or  
265 employer's agent, or (iii) has been offered employment with the employer, even if conditional.

266 “Health care”, medical health care, mental health care, substance abuse services, hospital  
267 care, dental health care, rehabilitative services and other similar services.

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

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

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

277 (e) An employer may require an employee or prospective employee requesting leave  
278 under this section to provide documentation evidencing that the employee, prospective  
279 employee, or family member of the employee or prospective employee is a victim of abusive  
280 behavior and that the leave taken is consistent with the conditions of clauses (i) to (iii), inclusive,  
281 of subsection (b); provided, however, that an employer shall not require an employee or  
282 prospective employee to show evidence of an arrest, conviction or other law enforcement  
283 documentation for such abusive behavior. An employee or prospective employee shall provide  
284 such documentation to the employer within a reasonable period after the employer requests  
285 documentation relative to the employee’s absence. An employee or prospective employee shall  
286 satisfy this documentation requirement by providing any 1 of the following documents to the

287 employer, and the employer may not require the employee or prospective employee to provide a  
288 specific type of documentation from among the following documents.

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

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

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

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

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

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

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

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

310 Any documentation provided to an employer under this section may be maintained by the  
311 employer only in a separate, confidential file and only for as long as required for the employer to  
312 make a determination as to whether the employee is eligible for leave under this section. The  
313 provision of any documentation to an employer under this paragraph does not waive or diminish  
314 the confidential or privileged nature of communications between the victim of the abusive  
315 behavior and any of the categories of professionals listed in this paragraph.

316 An employee or prospective employee requesting leave under this section is not required  
317 to produce any documentation to, or discuss any information with, the employer that would in  
318 any way compromise the safety of the victim of the abusive behavior, and an employer is  
319 prohibited from requiring any such production or disclosure except to the extent such  
320 documentation or information is necessary to provide or effectuate the leave, to protect the safety  
321 of the employee or others employed at the workplace, or to enable the employer to satisfy legal  
322 obligations.

323 SECTION 10. Subsection (f)(i) of Section 52E of Chapter 149 of the General Laws is  
324 hereby amended by inserting, after the word “employee”, the words “or prospective employee;”  
325 and inserting, after the word “workplace”, the words “or to provide or effectuate the leave”.

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

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

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