

SENATE No. 1181

The Commonwealth of Massachusetts

PRESENTED BY:

Paul R. Feeney

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 transparency in the workplace.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	
<i>Liz Miranda</i>	<i>Second Suffolk</i>	
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/2/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>2/2/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/4/2023</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/8/2023</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/8/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/9/2023</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>2/13/2023</i>
<i>Nick Collins</i>	<i>First Suffolk</i>	<i>2/16/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/16/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/28/2023</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>3/14/2023</i>
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>5/8/2023</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>5/8/2023</i>
<i>Robyn K. Kennedy</i>	<i>First Worcester</i>	<i>5/8/2023</i>
<i>Anne M. Gobi</i>	<i>Worcester and Hampshire</i>	<i>5/8/2023</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>5/9/2023</i>

<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>5/9/2023</i>
<i>Adam Gomez</i>	<i>Hampden</i>	<i>5/9/2023</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Plymouth and Bristol</i>	<i>5/9/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>5/9/2023</i>

SENATE No. 1181

By Mr. Feeney, a petition (accompanied by bill, Senate, No. 1181) of Paul R. Feeney, Liz Miranda, Jacob R. Oliveira, Patrick M. O'Connor and other members of the Senate for legislation relative to transparency in the workplace. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1196 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to transparency in the workplace.

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 23 of the General Laws is hereby amended by inserting after
2 section 25 the following section:-

3 Section 26. (a) As used in this section, the following words, unless the context clearly
4 requires otherwise, shall have the following meanings:

5 "Aggregate wage data report," shall mean an industry-based wage data report reflecting
6 aggregate data from annual wage data reports, provided by the Secretary of State, pursuant to
7 chapter 149 section 105E(c), separated by the following industries:

8 1.Agriculture, Forestry, Fishing and Hunting

9 2.Mining

10	3.Utilities
11	4.Construction
12	5.Manufacturing
13	6.Wholesale Trade
14	7.Retail Trade
15	8.Transportation and Warehousing
16	9.Information
17	10.Finance and Insurance
18	11.Real Estate Rental and Leasing
19	12.Professional, Scientific, and Technical Services
20	13.Management of Companies and Enterprises
21	14.Administrative Support and Waste Management and Remediation Services
22	15.Education Services
23	16.Health Care and Social Assistance
24	17.Arts, Entertainment, and Recreation
25	18.Accommodation and Food Services
26	19.Government

27 20.Other Services

28 (b) No later than June 1st beginning calendar year 2024, the executive office of labor and
29 workforce development shall publish aggregate wage data reports on the executive office of
30 labor and workforce development website, provided however that the report on aggregate wage
31 data for government employers will be published only in years when employers are required to
32 file an EEO-4 data report.

33 SECTION 2. Section 1 of chapter 149 of the General Laws is hereby amended by striking
34 out “one hundred and five C”, in line 40, and inserting in place thereof the following:-

35 one hundred and five E

36 SECTION 3. Said chapter 149, as so appearing, is hereby further amended by inserting
37 after section 105D the following section:-

38 Section 105E (a) As used in this section, the following words, unless the context clearly
39 requires otherwise, shall have the following meanings:

40 “Covered Employer,” shall mean a private and nonprofit entity employing 100 or more
41 full-time employees in Massachusetts any time during the prior calendar year subject to the filing
42 requirements of the EEO-1 data report; the Governor of the Commonwealth of Massachusetts;
43 and mayors and town administrators with 100 or more full-time employees any time during the
44 prior calendar year subject to the filing requirements of the EEO-4 data report.

45 “EEO-1 data report” shall be a completed copy of all required components of the
46 employer’s Employer Information Report, otherwise known as an EEO-1 Report, as issued by
47 the U.S. Equal Employment Opportunity Commission, including any successor report containing

48 the same or substantially similar workforce demographic and pay data by race, gender identity
49 and employment category.

50 “EEO-4 data report” shall be a completed copy of the State and Local Governmental
51 Information Report, otherwise known as an EEO-4 report, as issued by the U.S. Equal
52 Employment Opportunity Commission, including any successor report containing the same or
53 substantially similar workforce demographic and pay data by race, gender identity and
54 employment category.

55 “Secretary” shall mean the State secretary under chapter 9.

56 “Wage data report” shall be an EEO-1 or an EEO-4 data report.

57 (b)(1) Beginning in 2024 and for each year thereafter, a covered employer subject to
58 EEO-1 filing requirements shall submit the EEO-1 data report to the secretary covering the prior
59 calendar year as a supplement to their annual report, due to be filed at the same time as their
60 annual report.

61 (b)(2) Beginning in 2025 and each odd-numbered year thereafter, a covered employer
62 subject to EEO-4 filing requirements shall submit the EEO-4 data report to the secretary
63 covering the prior two calendar years.

64 (c) The secretary shall provide to the executive office of labor and workforce
65 development the wage data reports of each covered employer for the prior calendar year no later
66 than April 1st of each calendar year beginning in 2024. The secretary may establish a web portal
67 or online form to facilitate the submission of the wage data reports.

68 (d) Except for the publishing of reports by the executive office of labor and workforce
69 development on the department's website as directed in this section, aggregate wage data reports
70 shall not be considered “public records”: as defined by chapter 4 section 7 clause 26 and shall
71 not be subject to chapter 66 nor chapter 66A of the General Laws.

72 (e) The Attorney General shall enforce this section and may obtain injunctive or
73 declaratory relief for this purpose. Any covered employer who violates this section, including
74 failure to disclose a good-faith pay range, shall be punished by a warning for the first offense and
75 not more than \$500 for the second offense. For a third or subsequent offense, violation of this
76 section shall be subject to section 27C(b)(1) and (2) of chapter 149. No violation of this section
77 shall be construed to carry treble damages in chapter 149 section 150.