HOUSE DOCKET, NO. 3757 FILED ON: 1/17/2025

HOUSE . . . . . No. 1677

The Commonwealth of Massachusetts

PRESENTED BY:

Michelle M. DuBois

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 to improve contract provisions waiving certain rights.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Michelle M. DuBois	*10th Plymouth*	*1/17/2025*

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HOUSE . . . . . No. 1677

By Representative DuBois of Brockton, a petition (accompanied by bill, House, No. 1677) of Michelle M. DuBois relative to contract provisions waiving certain rights. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act to improve contract provisions waiving certain rights.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

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

Section 192. (a) A provision in any contract waiving any substantive or procedural right or remedy relating to a claim of discrimination, non-payment of wages or benefits, retaliation, harassment or violation of public policy in employment shall be deemed unconscionable, void and unenforceable, with respect to any such claim arising after the waiver is made. No right or remedy arising under this section, this chapter, common law, any other provision of law or rule of procedure or the constitution shall be prospectively waived. This section shall not render void or unenforceable the remainder of the contract or agreement. The provisions of this subdivision shall not apply to the terms of any collective bargaining agreement between an employer and the bona fide collective bargaining representative of that employer's employees.

(b) Whoever enforces or attempts to enforce a waiver deemed unconscionable, void or unenforceable under this section shall be liable for reasonable attorney's fees and costs.

(c) No person or employer shall take any retaliatory action, including, but not limited to, failure to hire, discharge, suspension, demotion, discrimination in the terms, conditions or privileges of employment, or other adverse action, against a person, because the person does not enter into an agreement or contract that contains a waiver deemed unconscionable, void or unenforceable under this section.

(d) A person aggrieved of a violation of this section may, within three years after the violation, institute and prosecute in such person's own name and on such person's own behalf a civil action for torts remedies, injunctive relief, and the costs of litigation and reasonable attorney's fees. The rights and remedies contained in this section shall not be exclusive and shall not preempt other procedures and remedies available under other applicable laws.

Section 193. This act shall take effect upon its passage and shall apply to all contracts entered into, renewed, modified or amended on or after such date.