

HOUSE No. 2190

The Commonwealth of Massachusetts

PRESENTED BY:

Christopher J. Worrell

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 sexual harassment workplace training.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Christopher J. Worrell</i>	<i>5th Suffolk</i>	<i>1/13/2025</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/21/2025</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>2/21/2025</i>
<i>Sean Reid</i>	<i>11th Essex</i>	<i>2/21/2025</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/24/2025</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/24/2025</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>3/4/2025</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>3/12/2025</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>3/12/2025</i>
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>4/1/2025</i>

HOUSE No. 2190

By Representative Worrell of Boston, a petition (accompanied by bill, House, No. 2190) of Christopher J. Worrell and others relative to employer policies and training to prevent unlawful harassment, including sexual harassment. Labor and Workforce Development.

The Commonwealth of Massachusetts

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

An Act relative to sexual harassment workplace training.

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

1 Chapter 151B of the General Laws, as appearing in the 2022 Official Edition, is hereby
2 amended by striking out Section 3A and inserting in place thereof the following section:-

3 Section 3A: Employers' policies against harassment; preparation of model policy;
4 education and training programs

5 (a) All employers, employment agencies and labor organizations shall promote a
6 workplace free of all forms of unlawful harassment, including sexual harassment.

7 (b) Every employer shall:

8 (1) adopt a policy against unlawful harassment, including sexual harassment, which shall
9 include:

10 (i) a statement that all forms of unlawful harassment, including sexual harassment, in the
11 workplace are unlawful and will not be tolerated, and that explains that it is unlawful for a person

12 to be subject to harassment because of the person's sex or any other characteristic protected by
13 section 4 of this chapter;

14 (ii) a statement that it is unlawful to retaliate against an employee for filing a complaint
15 of unlawful harassment, including sexual harassment, or for cooperating in an investigation of a
16 complaint for unlawful harassment;

17 (iii) a description and examples of unlawful harassment, including sexual harassment;

18 (iv) a statement of the range of consequences for employees who are found to have
19 committed unlawful harassment, including sexual harassment;

20 (v) a description of the process for filing internal complaints about harassment and the
21 contact information of the person or persons to whom complaints should be made; and

22 (vi) the identity of the appropriate state and federal employment discrimination
23 enforcement agencies, and directions as to how to contact such agencies.

24 (2) provide to all employees an individual written copy of the employer's policy against
25 unlawful harassment by January 1, 2027; provided, however, that an existing employee that is
26 changing positions shall be provided a copy at such time of the change in position; provided
27 further that a new employee shall be provided such a copy at the time of hire.

28 (c) The commission shall prepare and make available to employers subject to this section
29 a model policy and poster consistent with federal and state statutes and regulations, which may
30 be used by employers for the purposes of this section.

31 (d) An employer's failure to provide the information required to be provided by this
32 section shall not, in and of itself, result in the liability of said employer to any current or former

33 employee or applicant in any action alleging unlawful harassment. An employer's compliance
34 with the notice requirements of this section shall not, in and of itself, protect the employer from
35 liability for unlawful harassment of any current or former employee or applicant.

36 (e) Employers and labor organizations are required to provide employees with training to
37 prevent unlawful harassment, including sexual harassment, within six months after the employee
38 is hired, promoted within the employer. An employer that does not use the model training
39 developed by the Massachusetts commission against discrimination must ensure that the training
40 that they use meets or exceeds the following minimum standards.

41 The training must:

42 (1) be focused on compliance with the legal requirements of employment non-
43 discrimination law and on preventing unlawful harassment, including sexual harassment, in the
44 workplace;

45 (2) include an interactive component, whether in-person, on-line, or remote; provided that
46 trainings are led by one or more qualified trainers which allows participants to ask questions and
47 receive answers in a timely fashion; and in the case of on-line trainings, the online program must
48 allow participants to ask questions anonymously about the topics covered in the training and
49 receive responses from the trainer(s) within two business days;

50 (3) be a minimum of one hour every year;

51 (4) include an explanation and examples of unlawful harassment and unlawful retaliation
52 consistent with guidance issued by the Massachusetts commission against discrimination;

53 provided, however, that for employers with 100 or more employees, the examples and scenarios
54 should be tailored to the specific type of workplace or industry;

55 (5) include information on internal and external remedies available to victims of
56 harassment;

57 (6) include bystander intervention training consistent with guidance issued by the
58 Massachusetts commission against discrimination; and

59 (7) include information on the responsibilities of supervisory and managerial employees
60 to address unlawful harassment and unlawful retaliation.

61 (8) include, in the case of on-line training, standards and requirements that demonstrate
62 the active participation of the employee in the training, such as showing time spent watching
63 videos, answering questions and otherwise, engaging in the program. On-line trainings shall also
64 include the ability of employees to ask anonymous questions about the topic and receive
65 responses from the trainer(s) within two business days. The employer shall maintain a record of
66 the employee questions asked and the responses provided for a minimum of five (5) years, while
67 preserving the anonymity of the employees.

68 Each employee must receive training on an annual basis, starting January 1, 2027. An
69 employer's or labor organization's compliance with the training requirements of this section
70 shall not, in and of itself, protect the employer or labor organization from liability for unlawful
71 harassment of any current or former employee or applicant. All employers shall keep a record of
72 their employees' completion of all trainings required by this subsection (e). Such records may be
73 electronic. Employers shall maintain such records for at least 5 years and must be made available
74 to the Attorney General or the Massachusetts Commission Against Discrimination on request.

75 (f) The Attorney General may promulgate any rules, regulations or guidelines that are
76 necessary and appropriate to effectuate the purposes of this section.