

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Marjorie C. Decker*

*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 securing the application of Massachusetts law to employees of employers incorporated or operating in Massachusetts who provide their labor and services remotely.

PETITION OF:

| NAME:                     | DISTRICT/ADDRESS:     | DATE ADDED:      |
|---------------------------|-----------------------|------------------|
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> | <i>1/17/2025</i> |

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

[Pin Slip]

**The Commonwealth of Massachusetts**

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

An Act securing the application of Massachusetts law to employees of employers incorporated or operating in Massachusetts who provide their labor and services remotely.

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

1           Whereas the employment of workers on a remote or virtual basis has grown  
2 exponentially in the last decade;

3           And whereas the provision of remote services and labor has become a staple of  
4 contemporary employment and has proven invaluable to employers in securing a stable and  
5 productive workforce, employees in providing an added benefit without hampering productivity,  
6 and the Commonwealth in public health and other state emergencies, by facilitating “shelter-in-  
7 place” and “stay-at-home” orders without hampering the Commonwealth’s economic  
8 development or productivity;

9           The Legislature enacts the following Act:

10           SECTION 1: The Legislature hereby amends Chapter 149 of the Massachusetts General  
11 Laws by inserting Section 204 after Section 203:

12           A. Definitions.

13 Employer. For the purposes of this section, an employer is any individual, corporation,  
14 partnership, or other private or public entity, including any agent or officer having the  
15 management of such entity, that is incorporated in, headquartered in, and/or operates in the  
16 Commonwealth, including the Commonwealth itself, its instrumentalities, political subdivisions,  
17 their instrumentalities, any instrumentality of more than one of the foregoing, and any  
18 instrumentality of any of the foregoing and one or more other states or political subdivisions,  
19 who engages the services of a Remote Employee, as defined in this section, for wages,  
20 remuneration or other compensation, except the United States government and the government  
21 of any other country shall not be considered an Employer.

22 Remote Employee. A remote employee is an individual who otherwise meets the  
23 definition of “employee” in G.L. c. 149, § 148B(a), who is hired to perform any labor or provide  
24 service for an Employer, as defined in this section, that includes reporting to and transmitting  
25 work product to that Employer virtually (including but not limited to by telephone, video,  
26 website, or internet application), and not by in-person means, regardless of where the work is  
27 physically performed.

28 Additionally, where a work transmitted virtually is made for hire, as defined in Section  
29 101 of Title 17 of the United States Code, and the ordering or commissioning Employer obtains  
30 ownership of all the rights comprised in the copyright in the work, the individual drafting the  
31 work for hire, in whole or in part, is included in this definition of Remote Employee.

32 B. Absent A Clear and Unmistakable Contractual Waiver, an affirmative choice of law of  
33 another jurisdiction in Which the Employee Transmits Work Product for an Employer Virtually  
34 or the Employer is Incorporated, and Affirmative Compliance with the Law of that Jurisdiction,

35 Massachusetts Law Shall Apply to Remote Employees Performing Work Virtually for the  
36 Benefit of Employers Incorporated, Headquartered, or Operating in Massachusetts.

37 Unless clearly and unmistakably designated by a written, mutually executed contract  
38 between the parties (which contract is not a contract of adhesion but is instead individually  
39 negotiated between the parties) with a provision unequivocally establishing that the law of a  
40 jurisdiction where (1) a Remote Employee transmits work product to the Employer virtually or  
41 (2) the Employer is incorporated applies rather than the law of the Commonwealth and (3) the  
42 contract expressly provides for compliance with all legal obligations imposed by the jurisdiction  
43 relevant to the employment of the Remote Employee, the laws of the Commonwealth shall  
44 regulate all terms and conditions of a Remote Employee's on behalf of an Employer.

45 A contract designating the choice of law as a jurisdiction other than the Commonwealth  
46 shall not be effective, however, upon a showing that the Employer has failed to comply with any  
47 legal obligation imposed by the jurisdiction concerning the working terms or conditions of the  
48 Remote Employee.

49 In such a case, the laws of this Commonwealth shall regulate the terms and conditions of  
50 a Remote Employee.

51 SECTION 2: SECTION 1 shall be enacted January 1, 2026.