

SENATE No. 1308

The Commonwealth of Massachusetts

PRESENTED BY:

Lydia Edwards

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:

Lydia Edwards

DISTRICT/ADDRESS:

Third Suffolk

SENATE No. 1308

By Ms. Edwards, a petition (accompanied by bill, Senate, No. 1308) of Lydia Edwards for legislation relative to the wage law and remote workforce. Labor and Workforce Development.

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.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to Whereas the employment of workers on a remote or virtual basis has grown exponentially in the last decade; and

whereas the provision of remote services and labor has become a staple of contemporary employment and has proven invaluable to employers in securing a stable and productive workforce, employees in providing an added benefit without hampering productivity, and the Commonwealth in public health and other state emergencies, by facilitating “shelter-in-place” and “stay-at-home” orders without hampering the Commonwealth’s economic development or productivity; therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. The Legislature hereby amends Chapter 149 of the Massachusetts General
2 Laws by inserting after Section 203 the following:-

3 Section 204.

4 A. Definitions.

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

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

20 Additionally, where a work transmitted virtually is made for hire, as defined in Section
21 101 of Title 17 of the United States Code, and the ordering or commissioning Employer obtains
22 ownership of all the rights comprised in the copyright in the work, the individual drafting the
23 work for hire, in whole or in part, is included in this definition of Remote Employee.

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

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

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

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

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

43 SECTION 2. SECTION 1 shall be enacted January 1, 2026.