

HOUSE No. 1780

The Commonwealth of Massachusetts

PRESENTED BY:

Martha M. Walz

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 passage of the accompanying bill:

An Act relative to non-discrimination training in the workplace.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Martha M. Walz</i>	<i>8th Suffolk</i>
<i>Carlos Henriquez</i>	<i>5th Suffolk</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>

HOUSE No. 1780

By Ms. Walz of Boston, a petition (accompanied by bill, House, No. 1780) of Martha M. Walz and others relative to non discrimination training in the workplace. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE

□ HOUSE
□ , NO. 1413 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to non-discrimination training in the workplace.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to reduce discrimination, harassment and retaliation in the workplace, 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. Section 3A of chapter 151B of the General Laws, as appearing in the 2010
2 Official Edition, is hereby amended by striking out subsection (e), and inserting the place thereof
3 the following subsection:-

4 (e) Employers and labor organizations are encouraged to conduct an education and
5 training program for new non-supervisory employees and members, within 1 year of
6 commencement of employment or membership, which includes at a minimum the information
7 set forth in this section.

8 SECTION 2. Said chapter 151B is hereby further amended by inserting after section 3A
9 the following section:-

10 Section 3B. (a) Employers are encouraged to provide at least 2 hours of classroom or
11 other interactive training and education regarding illegal workplace discrimination, harassment
12 and retaliation to all supervisory and managerial employees. This training and education should
13 be provided to all new supervisory and managerial employees within 6 months of their date of
14 hire or assumption of a supervisory or managerial position. Employers are encouraged to provide
15 this training and education to each supervisory or managerial employee once every 2 years.

16 (b) The training and education described in this section should include at a minimum: (i)
17 information and practical guidance regarding all federal and state statutory provisions concerning
18 the prohibition against and the prevention and correction of workplace discrimination,
19 harassment and retaliation; (ii) information about the remedies available to victims of workplace
20 discrimination, harassment and retaliation; and (iii) practical examples aimed at instructing
21 supervisors and managerial employees in the prevention of discrimination, harassment and
22 retaliation. The training and education shall be presented by trainers or educators with
23 knowledge and expertise in the prevention of discrimination, harassment and retaliation.

24 (c) A claim that the training and education described by this section did not reach a
25 particular individual or individuals shall not result in the liability of any employer to any present
26 or former employee or applicant in an action alleging illegal workplace discrimination,
27 harassment or retaliation.

28 (d) An employer that provides at least 2 hours of classroom or other interactive training
29 and education to a supervisory or managerial employee regarding illegal workplace
30 discrimination, harassment and retaliation and thereafter provides this training at least once every
31 2 years under this section shall have an affirmative defense to any action alleging illegal
32 discrimination, harassment or retaliation brought against the employer based on that supervisor's
33 or managerial employee's actions or failure to act.

34 (e) The training and education described in this section is intended to establish a
35 minimum threshold and should not discourage an employer from providing for longer, more
36 frequent or more elaborate training and education regarding unlawful workplace discrimination,
37 harassment and retaliation in order to meet its obligations to take all reasonable steps necessary
38 to prevent and correct discrimination, harassment and retaliation.

39 SECTION 3. The training and education described in subsections (a) and (b) of section
40 3B of chapter 151B of the General Laws, as inserted by section 2, shall apply to all supervisory
41 and managerial employees employed as of January 1, 2014.

42 SECTION 4. The affirmative defense available under subsection (d) of section 3B of
43 chapter 151B of the General Laws, as so inserted, shall be available to an employer who has
44 provided the relevant training and education on or after January 1, 2014.

45 SECTION 5. Sections 1 through 4 shall take effect on January 1, 2014.