

# HOUSE . . . . . No. 4463

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, February 27, 2020.

The committee on Labor and Workforce Development, to whom was referred the petition (accompanied by bill, House, No. 1684) of Jeffrey N. Roy relative to waivers in employment contracts, reports recommending that the accompanying bill (House, No. 4463) ought to pass.

For the committee,

STEPHAN HAY.

**HOUSE . . . . . No. 4463**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act concerning waivers in employment contracts.

*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. Chapter 231 of the General Laws, as appearing in the 2018 Official  
2 Edition, is hereby amended by inserting after section 85AA the following section:-

3           Section 85BB. Any waiver, disclaimer, exclusion or limitation of liability in an  
4 employment application or other document purporting to release any third party from liability for  
5 injuries or death, whether in tort or contract, to an employee shall be void as against public  
6 policy, and no employee or employment applicant shall be required to agree to such waiver,  
7 disclaimer, exclusion or limitation of liability as a condition of his or her hiring or continued  
8 employment. The term “employee” as used in this section shall be as defined in section 1 of  
9 chapter 152, and shall include dependents of such employee, also as so defined, except that it  
10 shall not exclude an independent contractor, or any employee thereof, providing labor or  
11 materials to another. Any employer who violates this section shall be liable for a penalty equal to  
12 2 times the average weekly wage in the commonwealth plus the attorney’s fees and costs  
13 incurred by the employee in any action involving a determination of the rights of the employee  
14 under this section.