

By Mr. Bachrach, a petition (accompanied by bill, Senate, No. 62) of George Bachrach, John A. Businger, Barbara E. Gray, Geoffrey C. Beckwith and other members of the General Court for legislation to establish that resignation from employment due to sexual, racial and other harassment or discrimination shall not be considered a voluntary quit. Commerce and Labor.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Six.

AN ACT TO ESTABLISH THAT RESIGNATION FROM EMPLOYMENT DUE TO SEXUAL, RACIAL AND OTHER HARASSMENT OR DISCRIMINATION IS NOT A VOLUNTARY QUIT WITHIN THE MEANING OF THE MASSACHUSETTS GENERAL LAWS CHAPTER 151A SECTION 25 (E) (1).

*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 25(e) of Chapter 151 of the General Laws is hereby
- 2 amended by inserting after the first paragraph:
- 3 Sexual, racial, or other harassment or discrimination leading
- 4 to an employee's withdrawal from employment shall not
- 5 constitute a voluntary quit within the meaning of G.L. c. 151A,
- 6 §25 (e) (1) where the employer, its agents or supervisory employees
- 7 knew or should have known of the conduct and failed to take
- 8 immediate and appropriate corrective action to eliminate the
- 9 harassment and any attendant retaliation. Sexual harassment is
- 10 unwanted attention of a sexual nature in the context of the work
- 11 environment which has the effect of making an employee
- 12 uncomfortable on the job by creating an intimidating, hostile, or
- 13 offensive working environment, impeding the employee's ability
- 14 to do his/her work or interfering with employment opportunities.
- 15 An employee shall not be expected to endure debilitating working
- 16 conditions at the expense of personal integrity and/or injury
- 17 which no responsible person would endure. The employee shall
- 18 take reasonable steps to preserve the job, including notification

19 of the employer of the harassment, unless there is a reasonable  
20 belief that such efforts, including notification, would be futile or  
21 could result in retaliation. An employee who makes a statement  
22 in good faith that they terminated their employment because of  
23 racial or sexual harassment shall be presumptively eligible for  
24 benefits.