

SENATE . . . . . No. 957

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The Commonwealth of Massachusetts

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SENATE, April 12, 1965.

The committee on Labor and Industries, to whom was referred the petition (accompanied by bill, Senate, No. 305) of Julius Ansel for legislation to prohibit the listing of race, religion or national origin on employment cards and applications for employment; the petition of Don S. Greer for legislation to clarify the employment practices law to promote and insure equal employment opportunities for all persons without regard to race or color; the petition of Maurice A. Donahue for legislation to clarify the Massachusetts Fair Employment Practices Law; So much of the recommendations of the Massachusetts Commission Against Discrimination (House, No. 45) as relates to permitting the keeping of records of race, color, religious creed, national origin, age and ancestry as directed by said commission (see House, No. 47); and the petition of Charles Iannello and others that employers be authorized to maintain certain records relative to employment, reports the accompanying Bill (Senate, No. 957).

For the committee,

MARIO UMANA.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Five.

### AN ACT TO CLARIFY THE MASSACHUSETTS FAIR EMPLOYMENT PRACTICES LAW.

*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 4 of Chapter 151B of the General Laws is hereby  
2 amended by adding the following new paragraph at the end  
3 of subsection 5 thereof:

4 “Notwithstanding the foregoing provisions of this section,  
5 (A) every employer who has one hundred or more employees  
6 in the aggregate working within the commonwealth on each  
7 working day in each of twenty or more calendar weeks in  
8 the current or preceding calendar year, and every employment  
9 agency (including the Division of Employment Security of  
10 the Department of Labor and Industry) and labor organiza-  
11 tion shall make and keep such records relating to race, color  
12 or national origin as the commission may prescribe from  
13 time to time by rule or regulation, after public hearing, as  
14 reasonably necessary for the purpose of evidencing compliance  
15 with the requirements of this chapter, and (B) every employer  
16 and labor organization may keep and maintain such records  
17 and make such reports as may from time to time be necessary  
18 to comply, or evidence compliance with, any executive order  
19 issued by the President of the United States prescribing fair  
20 employment practices for United States government contractors  
21 and sub-contractors or any rules and regulations issued there-  
22 under, or if not subject to such order, in the manner prescribed  
23 therein and subject to the jurisdiction of the Commission.  
24 Such requirements as the commission may, by rule or regula-  
25 tion, prescribe under clause (A) of the preceding sentence  
26 shall be no more burdensome for the employer, employment  
27 agency or labor organization subject thereto, as the case may  
28 be, than the comparable requirements which could be pre-

29 scribed so long as no requirements have in fact been pre-  
30 scribed, or which have in fact been prescribed for an employer,  
31 employment agency or labor organization under the authority  
32 of the Civil Rights Act of 1964, as enacted or from time to  
33 time amended.”

34 Section 4 of Chapter 151B of the General Laws is hereby  
35 further amended by inserting the following new paragraph as  
36 subsection 5A thereof between subsections 5 and 6:

37 “5A. Nothing contained in this chapter or in any rules and  
38 regulations issued by the commission pursuant to this chapter  
39 shall be interpreted as requiring any employer, employment  
40 agency or labor organization to grant preferential treatment to  
41 any individual or to any group because of the race, color,  
42 religious creed, national origin, age or ancestry of such in-  
43 dividual or group on account of an unbalance which may exist  
44 with respect to the total number or percentage of persons of  
45 any race, color, religious creed, national origin, age or an-  
46 cestry employed by any employer, referred or classified for  
47 employment by any employment agency or labor organization,  
48 admitted to membership or classified by any labor organization  
49 or admitted to or employed in, any apprenticeship or other  
50 training program, in comparison with the total number or  
51 percentage of persons of such race, color, religious creed,  
52 national origin, age or ancestry in the commonwealth or in  
53 any community, section or other area therein, or in the avail-  
54 able work force in the commonwealth or in any community,  
55 section or other area therein.”

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