

By Ms. Resor of Acton, petition of Pamela P. Resor and other members of the General Court relative to sexual harassment education and training in the workplace. Commerce and Labor.

**The Commonwealth of Massachusetts**

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

AN ACT RELATIVE TO SEXUAL HARASSMENT, EDUCATION AND TRAINING IN THE WORKPLACE.

*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 151B of the General Laws is hereby  
2 amended by inserting after section 3 the following section: —  
3 Section 3A. (a) All employers, employment agencies and labor  
4 organizations shall promote a workplace free of sexual harass-  
5 ment.  
6 (b) Every employer shall:  
7 (1) adopt a policy against sexual harassment which shall  
8 include:  
9 (i) a statement that sexual harassment in the workplace is  
10 unlawful;  
11 (ii) a statement that it is unlawful to retaliate against an  
12 employee for filing a complaint of sexual harassment or for coop-  
13 erating in an investigation of a complaint for sexual harassment;  
14 (iii) a description of examples of sexual harassment;  
15 (iv) a statement of the range of consequences for employees  
16 who are found to have committed sexual harassment;  
17 (v) a description of the process for filing internal complaints  
18 about sexual harassment and the job classification, work addresses  
19 and telephone numbers of the person or persons to whom com-  
20 plaints should be made; and  
21 (vi) the identity of the appropriate state and federal employ-  
22 ment discrimination enforcement agencies, and directions as to  
23 how to contact such agencies.

24 (2) provide annually to all employees an individual written  
25 copy of the employer's policy against sexual harassment; pro-  
26 vided, however, that a new employee shall be provided such a  
27 copy at the time of his employment.

28 (c) The commission shall prepare and provide to employers  
29 subject to this section a model policy and poster consistent with  
30 federal and state statutes and regulations, which may be used by  
31 employers for the purposes of this section.

32 (d) A claim that an individual did not receive the information  
33 required to be provided by this section shall not, in and of itself,  
34 result in the liability of any employer to any current or former  
35 employee or applicant in any action alleging sexual harassment.  
36 An employer's compliance with the notice requirements of this  
37 section shall not, in and of itself, protect the employer from lia-  
38 bility for sexual harassment of any current or former employee or  
39 applicant.

40 (e) Employers and labor organizations shall conduct an educa-  
41 tion and training program for new employees and members,  
42 within one year of commencement of employment or membership,  
43 which includes at a minimum the information set forth in this  
44 section. Employers are encouraged to conduct additional training  
45 for new supervisory and managerial employees and members  
46 within one year of commencement of employment or membership,  
47 which shall include at a minimum the information set forth in sub-  
48 section (b), the specific responsibility of supervisory and manage-  
49 rial employees and the methods that such employees should take  
50 to ensure immediate and appropriate corrective action in  
51 addressing sexual harassment complaints. Employers, labor orga-  
52 nizations and appropriate state agencies are encouraged to coop-  
53 erate in making such training available.

1 SECTION 2. Notwithstanding the provisions of subsection (b)  
2 of section three A of chapter one hundred and fifty-one B of the  
3 General Laws, employers shall provide individual copies of their  
4 written policies on sexual harassment to all employees as required  
5 in said section three A, on or before July first, nineteen hundred  
6 and ninety-five; provided, however, that for any person hired  
7 between the effective date of this act and the date notice is given  
8 hereunder, the employer shall not be required to provide notice at

9 the time of employment, unless the employer has previously pro-  
10 vided such notice to other employees within the twelve months  
11 preceding said time of employment.

1 SECTION 3. Notwithstanding any provision of subsection (e)  
2 of section three A of chapter one hundred and fifty-one B of the  
3 General Laws to the contrary, employees and labor organizations  
4 are encouraged to conduct an education and training program on  
5 sexual harassment consistent with the provisions of said section  
6 three A, on or before September first, nineteen hundred and  
7 ninety-five, for persons employed on the date such program is  
8 conducted and employers are encouraged to conduct such an addi-  
9 tional training program consistent with the provisions of said  
10 section three A, on or before September first, nineteen hundred  
11 and ninety-five, for persons employed in a supervisory or manage-  
12 rial position on the date such program is conducted.

1 SECTION 4. Notwithstanding any provision of chapter one  
2 hundred and fifty-one B of the General Laws or any other law to  
3 the contrary, for the purpose of section three A of said chapter one  
4 hundred and fifty-one B, the term "employer" shall, from the  
5 effective date of this act until January first, nineteen hundred and  
6 ninety-six, be as defined in section one of said chapter one hun-  
7 dred and fifty-one B, except it shall not include any employer  
8 with fourteen or fewer employees.

