

By Mr. Lees, a petition (accompanied by bill, Senate, No. 991) of Brian P. Lees, Scott P. Brown, Michael J. Coppola, Shirley Gomes and other members of the General Court for legislation relative to employer reference immunity. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO EMPLOYER REFERENCE IMMUNITY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 231 of the General Laws, as appearing in the 2002
2 Official Edition, is hereby amended by inserting after
3 section 85AA the following section:—

4 Section 85BB. An employer or duly authorized agent of said
5 employer who provides or otherwise discloses information about a
6 former employee's job performance or work record to a prospec-
7 tive employer or duly authorized agent is presumed to be acting in
8 good faith and, unless lack of good faith is demonstrated by clear
9 and convincing evidence, is immune from civil liability for such
10 disclosure or its consequences. Clear and convincing evidence of
11 lack of good faith shall be evidence that clearly shows the
12 knowing disclosure, with malicious intent, of false or deliberately
13 misleading information.

