

HOUSE No. 5122

By Mr. McKenna of Springfield, petition of Arthur J. McKenna for legislation to establish a worker's compensation classification for sheltered workshops. Commerce and Labor.

The Commonwealth of Massachusetts

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

AN ACT TO ESTABLISH A WORKER'S COMPENSATION CLASSIFICATION FOR SHELTERED WORKSHOPS.

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. Section 1 of chapter 152 of the General Laws is
2 hereby amended by adding the following subsection: —

3 (9) "Sheltered workshop", a non profit facility established and
4 operated by a private organization, agency, or institution to pro-
5 vide vocational rehabilitation, vocational training, and employ-
6 ment opportunity for handicapped persons and which is certified
7 as exempt from minimum wage laws under section nine of chapter
8 one hundred twenty-one.

1 SECTION 2. Any insurance company authorized to transact
2 business in this commonwealth under subdivision (b) or (e) of the
3 sixth clause of section forty-seven of chapter one hundred and
4 seventy-five may, except as provided in clause (c) of section fifty-
5 four of said chapter, insure the payment of the compensation
6 provided for by this chapter, and when any such company insures
7 the payment of such compensation it shall file with the commis-
8 sioner of insurance, or, if it is a member of or subscriber to a rating
9 organization licensed under section fifty-two C, authorize such
10 rating organization to file with said commissioner on its behalf, its
11 classifications of risks which shall include a separate classification

12 for sheltered workshops, and premiums relating thereto and sub-
13 sequent proposed classifications or premiums, which shall not take
14 effect until approved by said commissioner as not excessive, inade-
15 quate or unfairly discriminatory for the risks to which they respec-
16 tively apply. When a filing is not accompanied by the information
17 upon which the insurer supports such filing, and said commissioner
18 does not have sufficient information to determine whether such
19 filing meets the requirements of this section, he may require such
20 insurerer to furnish the information upon which it supports such
21 filing. Any filing may be supported by (1) the experience or judg-
22 ment of the insurer or rating organization making the filing, (2) the
23 experience of other insurers or rating organizations, or (3) any
24 other factors which the insurer or rating organization deems rele-
25 vant. Upon petition of the company or of any other party aggrieved
26 the opinion of said commissioner shall be subject to review by the
27 supreme judicial court. Said commissioner may withdraw his
28 approval.