# HOUSE . . . . . No. 1625

By Mr. O'Flaherty of Chelsea, petition of Eugene L. O'Flaherty for legislation to prohibit the use of certain liability waivers in employment applications and other documents. The Judiciary.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT TO PROHIBIT THE USE OF CERTAIN LIABILITY WAIVERS AS AGAINST PUBLIC POLICY.

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

Chapter 231 of the General Laws is hereby amended by inserting after Section 85AA the following section:—

Any waiver, disclaimer, exclusion or limitation of liability in an employment application or other document purporting to release any third party from liability for injuries or death, whether in tort or contract, to an employee shall be void as against public policy, and no employee or employment applicant shall be required to agree to such waiver, disclaimer, exclusion or limitation of liability as a condition of his or her hiring or continued employment. The term "employee" as used in this paragraph shall be as defined in section one of Chapter 152, and include dependents of such employee, also as so defined, except that it shall not exclude an independent contractor, or any employee thereof, providing labor or materials to another. Any employer who violates the provisions of this paragraph shall be liable for a penalty equal to two times the average weekly wage in the Commonwealth plus the attorney's fees and costs incurred by the employee in any action involving a determination of the rights of the employee under this section.

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