



THE GENERAL COURT OF MASSACHUSETTS  
STATEHOUSE, BOSTON, 02133-1053

May 13, 2025

Hon. Paul McMurty  
House Chair  
Joint Committee on  
Labor and Workforce Development  
State House, Room 472  
Boston, MA 02133

Hon. Jacob R. Oliveira  
Senate Chair  
Joint Committee on  
Labor and Workforce Development  
State House, Room 416-B  
Boston, MA 02133

**Re: H. 2114 and S. 1335, An Act relative to defense against abusive waivers**

Chairs McMurty and Oliveira,

We respectfully provide this written testimony in support of H2114 and S1335, An Act relative to defense against abusive waivers. Without the passage of this bill, the strong laws and public policies that prohibit discrimination in the workplace in Massachusetts cannot be guaranteed for all Massachusetts employees. Employers currently have the option to nullify these protections through pre-employment contracts. This bill was released favorably by the Committee for at least six sessions now.

Today, employers in Massachusetts are allowed to present applicants and employees with contracts that waive important rights concerning disputes that have yet to happen. These rights include a right to a jury, the right to use Massachusetts law to govern a dispute, and the right to bring their claim in Massachusetts at all. These rights may also include a right against disclosing workplace conduct that is not otherwise proprietary or confidential. For example, an employer may require confidentiality that covers workplace conduct of fellow employees, which would prevent an employee from filing a claim of workplace harassment. The employer can opt out of Massachusetts law by requiring the applicant to consent to the law of a remote state, even though the job site is located within the Commonwealth. The applicant, focused on obtaining employment, rarely negotiates these provisions and has no leverage to do so.

H2114 and S1335 protect employees by prohibiting employers from preemptively choosing a foreign forum, foreign laws, arbitration or other important conditions, before a dispute has even arisen. The bill does not prevent parties from bargaining or releasing rights should an incident

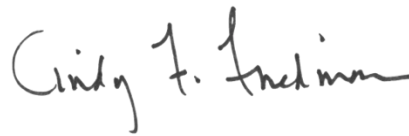
occur. The Biden Administration, through executive order, protected a worker's rights to a jury, but this bill would allow those rights to survive the current Administration for Massachusetts workers.

Without the passage of this bill, the work that we do to protect employees of the Commonwealth could be rendered futile. Thank you for taking the time to review my testimony.

Respectfully,



Kenneth I. Gordon  
State Representative  
21<sup>st</sup> Middlesex District



Cindy F. Friedman  
State Senator  
Fourth Middlesex District