

Laws in Brief

This document contains fact sheets with brief explanations of the federal and Massachusetts laws listed below, including (in most cases):

- Who is covered by the law
- Major provisions
- Agency that enforces the law
- Remedies for violations

1. The Massachusetts Fair Employment Practices Act and Title VII
2. The National Labor Relations Act
3. The Massachusetts Public Employee Collective Bargaining Law
4. The Massachusetts Worker Compensation Act
5. The Small Necessities Leave Act
6. The Massachusetts Wage Act
7. The Massachusetts Unemployment Insurance System
8. Federal and State Overtime Laws
9. The Occupational Safety and Health Act & State Employee Occupational Safety and Health Law
10. Federal and State Minimum Wage Laws
11. State and Federal Disability Laws
12. The Family and Medical Leave Act
13. The Massachusetts Parental Leave Act & Domestic Violence Leave Act
14. The Equal Pay Act of 1963 & Massachusetts Equal Pay Act of 1945 (and amendments)
15. Temporary Workers Right to Know Law
16. The Earned Sick Time Law
17. The Massachusetts Paid Family and Medical Leave Act
18. Massachusetts Domestic Workers' Bill of Rights

The Massachusetts Fair Employment Practices Act and Title VII

In Brief

COVERED EMPLOYERS, ORGANIZATION, AND AGENCIES

- Private workplaces with six or more employees
- Public agencies
- Employment agencies
- Labor organizations

NOT COVERED

- Tax-exempt private membership clubs

MAJOR PROVISIONS

- Employers may not discriminate against job applicants or employees on the basis of race, color, religious creed, national origin, ancestry, sex, gender identity, age, criminal record (inquiries only), handicap (disability), mental illness, retaliation, sexual harassment, sexual orientation, genetics, pregnancy or pregnancy-related condition, and active military.
- Hiring or promotion policies that screen out a disproportionate percentage of minorities or women must be justified by a business necessity.

ENFORCEMENT AGENCIES

Massachusetts Commission Against Discrimination (MCAD) www.mass.gov/mcad/

1 Ashburton Pl., Rm 601 Boston, MA 02108 617-994-6000	436 Dwight St., Rm 220 Springfield MA 01103 413-739-2145	484 Main St., Rm 320 Worcester, MA 01608 508-453-9630	800 Purchase St., Rm 501 New Bedford MA 02740 508-990-2390
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The Equal Employment Opportunity Commission (EEOC) www.eeoc.gov

JFK Federal Building, 475 Government Center
Boston, MA 02203
800-669-4000

PENALTIES

Employers may be ordered to:

- Cease discriminatory practices
- Hire, promote, or restore employment
- Pay back wages and benefits
- Compensate for emotional distress
- Pay punitive damages
- Pay fines of up to \$25,000
- Pay an employee's legal fees and litigation expenses.

ADDITIONAL INFORMATION

- Employees must file MCAD or EEOC claims within 300 days of the last incident of discrimination.
- Employers may not discharge or otherwise punish employees for opposing discriminatory practices, complaining to management, or taking legal action.

University of Massachusetts Labor Extension Program 2022

From: Robert M. Schwartz, *Your Rights on the Job: 5th Edition*, Labor Guild of Boston, Braintree, MA

The National Labor Relations Act

In Brief

COVERED EMPLOYERS

- Private sector employers
- U.S. Postal Service

EXCLUDED EMPLOYERS

- Railroads and airline
- Businesses with yearly revenue less than \$500,000
- Race and dog tracks
- Parochial schools

EXCLUDED EMPLOYEES

- Agricultural laborers
- Domestic service employees
- Supervisors
- Persons employed by a parent or spouse

MAJOR PROVISIONS

- Employees may engage in concerted activity to improve their wages and working conditions, including soliciting, petitioning, leafleting, signing unions cards, picketing, and striking.
- Unions may petition the National Labor Relations Board (NLRB) to hold an election to certify whether employees want a bargaining representative.
- An employer must bargain in good faith with a union about all matters relating to employment.

ENFORCEMENT AGENCY

National Labor Relations Board (NLRB)

www.nlr.gov/region/boston

Thomas P. O'Neil Federal Building
10 Causeway St., Suite 601
Boston, MA 02222
617-565-6700

REMEDIES

Violations of the NLRA are called *unfair labor practices*. After a hearing, the NLRB can order an employer to:

- Stop violating worker or union rights
- Reinstatement of an employee fired for unlawful reasons (with back pay and benefits)
Reverse any other action taken against a worker because the worker engaged in activities protected by the NLRA
- Recognize and bargain in good faith with the union

OTHER INFORMATION

- NLRB charges must be filed within six months of an unfair labor practice.

University of Massachusetts Labor Extension Program 2022

From: Robert M. Schwartz, *Your Rights on the Job: 5th Edition*, Labor Guild of Boston, Braintree, MA

The Massachusetts Public Employee Collective Bargaining Law

(Chapter 150E)

In Brief

COVERED

- State and local government agencies
- Public educational institutions
- Housing authorities

MAJOR PROVISIONS

- Similar to NLRA except that employers may not strike or take part in work stoppages

ENFORCEMENT AGENCY

Massachusetts Department of Labor Relations (DLR)

www.mass.gov/dlr

19 Staniford Street, 1st floor
Boston, MA 02114
617-626-7132

436 Dwight St., Room 206
Springfield, MA 01103
413-784-1230

REMEDIES

- Similar to NLRA

The Massachusetts Worker Compensation Act

In Brief

COVERED EMPLOYEES

- Private sector workers
- Government workers

EXCLUDED

- Police officer and firefighters
- Longshore, harbor, and shipyard workers
- Maritime and railroad workers
- Household employees employed for fewer than 16 hours per week
- Independent contractors

MAJOR PROVISIONS

- Employers must purchase workers' compensation insurance or qualify as a self-insurer.
- Insurers must pay benefits to injured workers.
- Employers and supervisors are given immunity from negligence lawsuits.
- Weekly benefits for temporary total disability are set at 60 percent of average weekly gross wages up to a maximum rate of \$1,173.06 for injuries occurring on or after October 1, 2012.

ENFORCEMENT AGENCY

Massachusetts Department of Industrial Accidents (DIA)

www.mass.gov/dia

1 Congress Street, Suite 100
Boston, MA 02114
617-727-4900

1 Father DeValles Blvd.
Fall River, MA 02723
508-676-3406

354 Merrimack Street
Bld. 1, Suite # 230
Lawrence, MA 01843
978-683-6420

436 Dwight St. Rm. 105
Springfield, MA 01103
413-784-1133

340 Main St., Suite 370
Worcester, MA 01608
508-753-2072

ADDITIONAL INFORMATION

- Employers must post notices listing the names and addresses of insurance carriers.
- Claims must be filed at the DIA within four years of a known injury.
- Employers may not punish employees who file claims or testify in DIA proceedings.
- An employer who fails to obtain compensation coverage can be fined up to \$1,500 and imprisoned for up to one year.

University of Massachusetts Labor Extension Program 2022

From: Robert M. Schwartz, *Your Rights on the Job: 5th Edition*, Labor Guild of Boston, Braintree, MA

The Small Necessities Leave Act

In Brief

COVERED

- Private workplaces with more than 50 employees
- Public employees

MAJOR PROVISIONS

Allow employees eligible for FMLA leave to take up to 24 hours unpaid time off every 12 months to:

- Participate in children's school activities that relate to the "educational advancement" of the child
- Accompany children or elderly relatives to routine medical and dental appointments
- Accompany an elderly relative to appointments for professional services
- Leave can be taken intermittently

ENFORCEMENT AGENCY

Fair Labor Division of the Massachusetts Attorney General

www.mass.gov/ago/ (Search for "Wage and Hour")

One Ashburton Place
Boston, MA 02108
617-727-3465

105 William St.
New Bedford, MA 02740
508- 990-9700

1350 Main St.4th floor
Springfield, MA 01103
413-784-1240

10 Mechanic Street, Suite 301
Worcester, MA 01608
508- 792-7600

REMEDIES FOR VIOLATIONS

A court may order an employer to:

- Obey the law
- Reinstatement an employee with triple back pay
- Pay an employee's legal fees and litigation expenses
- Pay a \$500 fine

OTHER INFORMATION

- Retaliation against an employee for using SNLA time off is illegal.
- The statute of limitations for a SNLA lawsuit is three years.

The Massachusetts Wage Act

In Brief

COVERED EMPLOYEES

- Private sector workers, including persons working for nonprofit organizations.
- Government workers

EXCLUDED

- Independent contractors

MAJOR PROVISIONS

- Wages, salaries, and commissions must be paid within six days when pay periods close.
- Discharged employees must be paid in full on their final day.
- Hourly workers must be paid on a weekly or biweekly basis.
- Salaried executive, administrative, and professional employees can be paid weekly, biweekly, semimonthly or, if employee requests, monthly.

ENFORCEMENT AGENCY

Fair Labor Division of the Massachusetts Attorney General

www.mass.gov/ago// (Search for “Wage and Hour”)

One Ashburton Place
Boston, MA 02108
617-727-3465

105 William St.
New Bedford, MA 02740
508- 990-9700

1350 Main St. 4th floor
Springfield, MA 01103
413-784-1240

10 Mechanic Street, Suite 301
Worcester, MA 01608
508-792-7600

PENALTIES

- A criminal prosecution can be brought against a president, treasurer, managing officer, managing agent, or responsible public official.
- A civil penalty of up to \$25,000 can be assessed if a violation is intentional; up to \$10,000 if it is unintentional.
- Employees can sue for triple damages plus legal expenses.

ADDITIONAL INFORMATION

- Employers may not fire or otherwise retaliate against employees who complain about wage violations or file charges with the attorney general.
- The wage act applies to undocumented immigrants.
- Unionized employees may not be able to use the wage act if the amount owed requires interpretation of a collective bargaining agreement. In that case, they must use their union grievance process.
- Employers may not, by special agreements or contracts, exempt themselves from compliance.

University of Massachusetts Labor Extension Program 2022

From: Robert M. Schwartz, *Your Rights on the Job: 5th Edition*, Labor Guild of Boston, Braintree, MA

The Massachusetts Unemployment Insurance System

In Brief

COVERED EMPLOYEES

- Private sector workers
- Government workers

NOT COVERED

- Independent contractors
- Realtors, camp counselors, railroad workers, and some other occupations.

MAJOR PROVISIONS

- Employees who lose their jobs or are working significantly fewer hours through no fault of their own are eligible for weekly benefits.
- Eligible claimants can qualify for up to 30 weeks of benefits, after serving a one-week waiting period.
- Employees who are fired because of deliberate misconduct or who quit voluntarily are disqualified.

ELIGIBILITY REQUIREMENTS

To qualify for UI benefits a claimant must:

1. Be unemployed (or working fewer hours) through no fault of his or her own;
2. Have earned at least
 - \$5,400 over the last 4 completed calendar quarters,
 - 30 times the weekly benefit amount you would be eligible to collect,
3. Be legally authorized to work in the U.S. and
4. Be capable of, available for, and actively seeking work.

ENFORCEMENT AGENCY

Massachusetts Department of Unemployment Assistance (DUA) www.mass.gov/dua

Charles F. Hurley Building
Government Center
19 Staniford St
Boston, MA 02114
Call Center: 617-626-6800

ADDITIONAL INFORMATION

- Employers must give separated employees, including employees who are discharged or resign, a DUA pamphlet entitled “How to File for Unemployment Insurance Benefits”.
- Employees may apply for UI benefits on line: <https://uionline.detma.org/Claimant/Core/Login.ASPX> or by phone at 617-626-6800
- The DUA has an online calculator for weekly benefits. You can use that to see if you have earned enough to be eligible: <https://www.mass.gov/info-details/how-your-unemployment-benefits-are-determined>

University of Massachusetts Labor Extension Program 2022

From: Robert M. Schwartz, *Your Rights on the Job: 5th Edition*, Labor Guild of Boston, Braintree, MA
And from Mass.gov

Federal and State Overtime Laws

In Brief

COVERED EMPLOYEES

- Private sector workers
- Government workers

EXCLUDED

- Executive, administrative, professional, and outside sales employees
- Employees of seasonal (fewer than 121 days/year) businesses holding federal and state exemption permits
- Seafarers, fishers, and agricultural workers
- Railway and air carrier workers
- Drivers of commercial motor vehicles engaged in interstate commerce and their helpers
- Independent contractors

MAJOR PROVISIONS

- Employees must be paid 1.5 times their regular rates for hours worked in excess of forty in a workweek

ENFORCEMENT AGENCIES

Wage & Hour Division of U.S. Dep't of Labor www.dol.gov/whd

JFK Federal Building, Room 525
Boston, MA 02203
617-624-6700

104 Dean St., Rm 201
Taunton, MA 02780
508-821-9106

Fair Labor Division of the Massachusetts Attorney General

www.mass.gov/ago/ (Search for "Wage and Hour")

One Ashburton Place
Boston, MA 02108
617-727-3465

105 William St.
New Bedford, MA 02740
508- 990-9700

1350 Main St.4th floor
Springfield, MA 01103
413-784-1240

10 Mechanic Street, Suite 301
Worcester, MA 01608
508- 792-7600

PENALTIES

An employer may be ordered to:

- Pay triple back overtime wages plus interest
- Pay employee legal fees and court costs
- Pay a fine of up to \$50,000
- Serve a jail sentence of up to two years

ADDITIONAL INFORMATION

- Employers may not retaliate against employees who complain about overtime violations, file complaints, or sue in court.
- Employers must retain records of daily and weekly hours worked for at least two years and allow inspections by employees at reasonable times and places.
- Mass hospitals may not require nurses to work past their regularly scheduled hours, except in emergency.

University of Massachusetts Labor Extension Program 2022

From: Robert M. Schwartz, *Your Rights on the Job: 5th Edition*, Labor Guild of Boston, Braintree, MA
And from Mass.gov

The Occupational Safety and Health Act

In Brief

COVERED EMPLOYERS

- Private sector employers workplaces
- U.S. Postal Service
- Federal agencies (through executive order)

MAJOR PROVISIONS

Employers must:

- Furnish workplaces free from recognized hazards
- Comply with health and safety standards

ENFORCEMENT AGENCY

Occupational Safety and Health Administration (OSHA) www.osha.gov

North Boston Area Office
Shattuck Office Center
138 River Road, Suite 102
Andover, MA 01810
978-837-4460

South Boston Area Office
639 Granite St., 4th floor
Braintree, MA 02184
617-565-6924

Springfield Area Office
1441 Main St, Room 550
Springfield, MA 01103
413-785-0123

PENALTIES

An employer can be ordered to:

- Pay up to \$7,000 per violation (up to \$70,000 for a willful or repeat violation)
- Eliminate health hazards or pay up to \$7,000 per day
- Shut down an operation that is creating an imminent danger

ADDITIONAL INFORMATION

- Employer may not punish employees who complain about safety hazards or file an OSHA complaint.
- For life-threatening situations, call 800-321-OSHA.

State Employee Occupational Safety and Health Law

In Brief

COVERED EMPLOYERS

- State and local government agencies in Massachusetts

MAJOR PROVISIONS

- Applies standards set in the OSHA to all state and local government workers.

ENFORCEMENT AGENCY

Department of Labor Standards (DOLS) www.mass.gov/dols

19 Staniford Street, 2nd Floor
Boston, MA 02114
(617) 626-6975

University of Massachusetts Labor Extension Program 2022

From: Robert M. Schwartz, *Your Rights on the Job: 5th Edition*, Labor Guild of Boston, Braintree, MA
And from Mass.gov

Federal and State Minimum Wage Laws

In Brief

COVERED EMPLOYEES

- Full and part-time workers, including casual and seasonal workers

EXCLUDED

- Professional, outside sales persons, participants in certain training and rehabilitation programs, inmates working in prison
- Independent contractors

MAJOR PROVISIONS

- Private sector employers must pay employees – including part-timers and teenagers – at least \$15.00 per hour as of January 1, 2023.
- Public agencies must pay employees at least \$7.25 per hour.
- Tipped employees must be paid at least \$6.75 per hour as of Jan. 1, 2023.

ENFORCEMENT AGENCIES

Fair Labor Division of the Massachusetts Attorney General

www.mass.gov/ago/ (Search for “Wage and Hour”)

One Ashburton Place
Boston, MA 02108
617-727-3465

105 William St.
New Bedford, MA 02740
508- 990-9700

1350 Main St. 4th floor
Springfield, MA 01103
413-784-1240

10 Mechanic Street, Suite 301
Worcester, MA 01608
508- 792-7600

Wage & Hour Division of U.S. Dep’t of Labor

www.dol.gov/whd/

JFK Federal Building, Room 525
Boston, MA 02203
617-624-6700

104 Dean St., Rm 20
Taunton, MA 02780
508-821-9106

PENALTIES

An employer may be ordered to:

- Pay triple unpaid wages plus interest
- Reimburse employees for legal fees and court costs
- Pay a fine of up to \$50,000
- Serve a jail sentence of up to two years

University of Massachusetts Labor Extension Program 2023

From: Robert M. Schwartz, *Your Rights on the Job: 5th Edition*, Labor Guild of Boston, Braintree, MA
And from Mass.gov

State and Federal Disability Laws

In Brief

COVERED EMPLOYERS AND ORGANIZATIONS

- Private sector employers with six or more employees
- Public agencies
- Labor organizations

EXCLUDED EMPLOYERS

- Tax-exempt private membership clubs

MAJOR PROVISIONS

- Employers may not discriminate against qualified individuals with disabilities.
- Employers must make reasonable accommodations-
- Employees may be classified as disabled without regard to medicines, devices or other mitigating measures.
- Under Massachusetts law, employers may not discriminate on the basis of pregnancy or pregnancy-related conditions (e.g., lactation or the need to express milk), and have a duty to accommodate pregnant workers.

ENFORCEMENT AGENCIES

Massachusetts Commission Against Discrimination (MCAD) www.mass.gov/mcad/

1 Ashburton Pl., Rm. 601 Boston, MA 02108 617-994-6000	436 Dwight St., Rm.220 Springfield MA 01103 413-739-2145	484 Main St., Rm. 320 Worcester, MA 01608 508-453-9630	800 Purchase St., Rm 501 New Bedford MA 02740 508-990-2390
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The Equal Employment Opportunity Commission (EEOC) www.eeoc.gov

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
800-669-4000

PENALTIES: employers may be ordered to:

- Stop discriminatory practices
- Hire, promote, or restore employment
- Make reasonable accommodations
- Pay back wages and related benefits
- Pay damages for emotional pain
- Pay punitive damages
- Pay employee legal fees and litigation costs

ADDITIONAL INFORMATION

- Complaints must be filed with the MCAD or the EEOC 300 days of a violation.
- Employers may not discharge or punish employees who request accommodations, file complaints, or sue in court.

University of Massachusetts Labor Extension Program 2022

From: Robert M. Schwartz, *Your Rights on the Job: 5th Edition*, Labor Guild of Boston, Braintree, MA
And from Mass.gov

The Family and Medical Leave Act

In Brief

COVERED

- Workers in private workplaces with 50 or more employees
- Public employees

MAJOR PROVISIONS

Eligible employees may take time off from work (leave) for up to twelve weeks a year:

- If unable to work due to a serious health condition
- To care for family members with serious health conditions
- For childbirth or to bond with newborn, adopted, or foster children

Military families have additional rights:

- to leave of up to 12 weeks to care for a spouse, child or parent serving in the armed forces;
- and up to twenty-six weeks if employee needed to care for a family member who suffers a service-related injury.

ENFORCEMENT AGENCIES

U.S. Department of Labor Wage and Hour Division www.dol.gov/whd/

JFK Federal Building, Room 525
Boston, MA 02203
617-624-6700

104 Dean St., Rm 201
Taunton, MA 02780
508-821-9106

PENALTIES

An employer may be ordered to:

- Allow time off
- Provide reinstatement and back pay to employees discharged or refused reinstatement because of protected absences
- Promote an employee who has been denied advancement because of FMLA absences

ADDITIONAL INFORMATION

- Employers must continue medical insurance during FMLA leaves on the same basis as when employees were working,
- Employers may not penalize employees for taking FMLA time off.
- Employers must post notices explaining FMLA benefits.
- Massachusetts passed a Paid Family and Medical Leave Act that went into effect in 2021. It establishes a system for paid family leave of up to 12 weeks to care for a family member, and up to 20 weeks for your own illness.

University of Massachusetts Labor Extension Program 2022

From: Robert M. Schwartz, *Your Rights on the Job: 5th Edition*, Labor Guild of Boston, Braintree, MA
And from Mass.gov

The Massachusetts Parental Leave Act

In Brief

COVERED

- Public and private workplaces of 6 or more employees
- Full-time employees who have completed their probationary period or worked full-time for three consecutive months

MAJOR PROVISIONS

- Allows full-time employees, male or female, to take eight weeks of unpaid leave before or after the birth or adoption of a child.
- Employees have a right to return to their original positions, or an equally paid position with similar duties and working conditions.

ENFORCEMENT AGENCY

Massachusetts Commission Against Discrimination (MCAD) www.mass.gov/mcad/

1 Ashburton Pl., Rm. 601
Boston, MA 02108
617-994-6000

436 Dwight St., Rm.220
Springfield MA 01103
413-739-2145

484 Main St., Rm. 320
Worcester, MA 01608
508-453-9630

800 Purchase St., Rm 501
New Bedford MA 02740
508-990-2390

Domestic Violence Leave Act

In Brief

COVERED

- Employers with 50 or more employees

MAJOR PROVISIONS

- Provides for up to 15 days of leave in any 12 month period under certain circumstances when employee or family member of employee has been victim of abusive behavior.

ENFORCEMENT AGENCY

Fair Labor Division of the Massachusetts Attorney General www.mass.gov/ago/
(Search for “Wage and Hour”)

One Ashburton Place
Boston, MA 02108
617-727-3465

105 William St.
New Bedford, MA 02740
508- 990-9700

1350 Main St.4th floor
Springfield, MA 01103
413-784-1240

10 Mechanic Street, Suite 301
Worcester, MA 01608
508- 792-7600

University of Massachusetts Labor Extension Program 2022

From: Robert M. Schwartz, *Your Rights on the Job: 5th Edition*, Labor Guild of Boston, Braintree, MA
And from Mass.gov

The Equal Pay Act of 1963

In Brief

WHO IS COVERED?

Employers covered by the federal minimum wage law (including public sector employees.)

MAJOR PROVISIONS

- Men and women must be paid **equal** wages for **substantially similar** work in the same establishment.
- Pay differences between men and women doing equal work are allowed if based on legitimate reasons other than gender. Some reasons recognized by the law are: seniority, more job experience or better educational background, merit, productivity (when wages are determined by piece rates).

ENFORCEMENT AGENCY

The Equal Employment Opportunity Commission (EEOC) www.eeoc.gov

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
800-669-4000

REMEDIES

Employers may be ordered to:

- Raise the pay of lower-paid employees to that of higher-paid employees
- Pay up to three years' doubled back pay
- Pay employee's attorney's fees and costs if a suit is brought in court

ADDITIONAL INFORMATION

- Equal pay complaints are confidential. Retaliation against employees suspected of making complaints is unlawful.
- Lawsuits must be filed within two years of the last infraction (three years if the violation is willful).

Massachusetts Equal Pay Act of 1945 (and amendments)

MAJOR PROVISIONS

- Requires wage equality between men and women who perform work "of like or comparable character."
- Seniority is the only acceptable basis for pay differences between men and women.
- Employers may not seek the wage or salary history of prospective employees. (This history is often used to set a woman new hire's salary lower than that of a man in a comparable position.)

ENFORCEMENT AGENCY

Massachusetts Commission Against Discrimination (MCAD) www.mass.gov/mcad/

1 Ashburton Pl., Rm 601 Boston, MA 02108 617-994-6000	436 Dwight St., Rm.220 Springfield MA 01103 413-739-2145	484 Main St., Rm. 320 Worcester, MA 01608 508-453-9630	800 Purchase St., Rm 501 New Bedford MA 02740 508-990-2390
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University of Massachusetts Labor Extension Program 2022

From: Robert M. Schwartz, *Your Rights on the Job: 5th Edition*, Labor Guild of Boston, Braintree, MA
And from Mass.gov

Temporary Workers Right to Know Law

In Brief

COVERED

- Temporary workers that get work through staffing agencies

NOT COVERED

- Professionals and administrative workers.

MAJOR PROVISIONS

- Staffing agencies must provide detailed written information to workers with regard to their anticipated work duties, compensation, hours, pay rate, payday, job duration (if known), means of transportation, and any meal or other costs.
- Regulates fees that a staffing agency or worksite employer charges a temp worker
- Prohibits illegal acts such as false advertising, assignments to worksites violating the law including licensure or certification requirements, or on strike or lockout without informing the employee of this fact, refusing to return personal property.
- Workers protected against retaliation for exercising their rights under the act.

ENFORCEMENT AGENCIES

Department of Labor Standards (formerly Division of Occupational Safety

www.mass.gov/lwd/labor-standardss/

19 Staniford Street, 2nd Floor
Boston, MA 02114
617-626-6975

PENALTIES FOR VIOLATIONS

- A civil penalty of up to \$25,000 for each violation can be assessed; up to \$15,000 (\$7,500 if not intentional) for first-time violation.
- Employees can sue for triple damages plus legal expenses.

The Earned Sick Time Law

In Brief

COVERED

- Private workplaces, including non-profit
- State employees.
- Federal and municipal employees are not covered, although municipalities may opt in.

MAJOR PROVISIONS

- The law entitles employees in Massachusetts to earn up to 40 hours per year of sick leave to address certain personal and family needs. The number of hours to which an employee is entitled is related to the number of hours worked.
- Employers of 11 or more employees must provide earned sick time that is paid.
- Smaller employers must also provide earned sick time, but it may be unpaid.

ENFORCEMENT AGENCY

Massachusetts Attorney General

www.mass.gov/ago/ (Search for “Wage and Hour”)

One Ashburton Place
Boston, MA 02108
617-727-3465

105 William St.
New Bedford, MA 02740
508- 990-9700

1350 Main St.4th floor
Springfield, MA 01103
413-784-1240

10 Mechanic Street, Suite 301
Worcester, MA 01608
508- 792-7600

REMEDIES FOR VIOLATIONS

The Attorney General’s office can:

- Go to court to halt the violation
- Issue a civil citation

OTHER INFORMATION

- Retaliation against an employee for exercising their rights under this law, or for making a complaint about a violation of the law, is illegal.
- All Massachusetts workers are covered, regardless of immigration status. The Attorney General will not inquire about the employee’s immigration status.

The Massachusetts Paid Family and Medical Leave Act

In Brief

COVERED

- W-2 workers who work in Massachusetts, whether they are full-time, part-time, or seasonal
- 1099-MISC workers who work in Massachusetts, do not qualify as independent contractors, and who make up more than 50% of their employer's workforce
- Self-employed individuals can opt in by paying the required contribution to the Trust Fund
- Some employers are exempt, including municipalities, some other political subdivisions (such as regional planning boards or housing authorities), churches and railroads.

MAJOR PROVISIONS

Paid medical leave of up to 20 weeks may be taken to manage your own serious health condition.

Paid family leave of up to 12 weeks may be taken to:

- Care for a family member with a serious health condition. "Family member" includes spouses, in-laws, siblings, grandparents and grandchildren as well as parents and children.
- Bond with a child during the first 12 months after the child's birth, adoption or foster care placement
- Care for a family member in the Armed Forces, National Guard or Reserves who developed or aggravated a serious health condition in line of duty on active duty while deployed to a foreign country.
- Manage family affairs when a family member is on or has been called to active duty in a foreign county while in the armed forces, including the National Guard or Reserves

PFML is paid for by a tax of up to 0.75% of your wages paid by you and, in some cases, your employer. The amount of the benefit is determined by a formula, with a cap pegged at 64% of the state average weekly wage in the previous year.

ENFORCEMENT AGENCY

Massachusetts Attorney General www.mass.gov/ago/

One Ashburton Place
Boston, MA 02108
617-727-3465

105 William St.
New Bedford, MA 02740
508- 990-9700

1350 Main St.4th floor
Springfield, MA 01103
413-784-1240

10 Mechanic Street, Suite 301
Worcester, MA 01608
508- 792-7600

ADDITIONAL INFORMATION

- Employers must provide written notice to their eligible employees, in the individual's primary language, in addition to hanging a poster in the workplace.
- Employers with 25 or more employees must contribute at least 60% of the taxes covering the medical (not family) leave.

REMEDIES FOR VIOLATIONS

- Employers can be required to halt the violation, restore the employee to their position, and pay up to triple the amount the employee lost in wages, benefits and other remuneration.
- Employers can be fined for failure to provide the proper notice. (\$50 for first violation; \$300 for subsequent ones.)

Massachusetts Domestic Workers' Bill of Rights

In Brief

COVERED EMPLOYERS

- Private employers who hire domestic workers (including housekeepers, house cleaners, house managers, nannies, caregivers, providers of household services such as laundry, cooking and home companion services)
- Unlicensed agencies, including unregulated “schedulers”

EXCLUDED

- Casual babysitters,
- People who work for private families but not inside the home (*e.g.*, dog walkers, gardeners)
- State/federally funded personal care attendants (except in limited situation)
- Licensed/registered placement or staffing agencies

MAJOR PROVISIONS

- Employers must pay workers for all time required to be on employer’s premises or on duty.
- Domestic workers who work more than 16 hours a week for a single employer have the right to receive a list of their rights when they start a job. They also have a right to a written employment agreement.
- Employers must pay for meal periods, rest breaks and sleeping time unless certain conditions are met
- Domestic workers may not be charged for food or lodging unless certain conditions are met.
- Domestic workers may take claims of discrimination to the MCAD. This right applies even to workers in households with fewer than 6 employees.
- Domestic workers have a right to privacy, and employers may not take any of the workers documents or personal effects.

ENFORCEMENT AGENCIES

Massachusetts Attorney General

www.mass.gov/ago/

One Ashburton Place	105 William St.	1350 Main St. 4th fl	10 Mechanic St. Suite 301
Boston, MA 02108	New Bedford, MA 02740	Springfield, MA 01103	Worcester, MA 01608
617-727-3465	508- 990-9700	413-784-1240	508- 792-7600

Massachusetts Commission Against Discrimination (MCAD)

www.mass.gov/mcad/

1 Ashburton Pl., Rm. 601	436 Dwight St., Rm.220	484 Main St., Rm. 320	800 Purchase St., Rm 501
Boston, MA 02108	Springfield MA 01103	Worcester, MA 01608	New Bedford MA 02740
617-994-6000	413-739-2145	508-453-9630	508-990-2390

University of Massachusetts Labor Extension Program 2022

Adapted from: Mass. Coalition for Domestic Workers “New Rights” fact sheet