

940 CMR 17.00: INDUSTRIAL HOMEWORK

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17.01: Definitions

Employer: any person who, directly or indirectly, or through an employee or agent, furnishes to another person any materials or articles to be manufactured or worked upon in a home, and thereafter to be returned to himself or on his order, for use other than the personal use of himself or of a member of his family.

Home: any room, house, apartment or other premises, whichever is most extensive, used in whole or in part as a place of dwelling.

Industrial homework: any manufacture of or work upon materials or articles in a home for an employer, exclusive of domestic service.

The verb "to manufacture", as used in its different modes and tenses, includes to prepare, alter, repair or finish in whole or in part.

17.02: Wage Rates

- (1) No wage paid to industrial homeworkers shall be less than the State or Federal minimum wage rate, whichever is higher. This minimum rate must be paid whether the industrial homeworker is paid by the hour or by the piece.
- (2) Industrial homeworkers who, when combining the time worked at the employer's plant or factory or place of work and the homeworker's home, work over 40 hours a week for the same employer, shall receive no less than time and a half their regular rate for those hours worked after 40.
- (3) Every employer of industrial homeworkers who pays such homeworkers by the piece shall supply each such person, at the time of delivery of such work to the homeworker, a printed or written ticket stating the amounts paid and the basis for the remuneration.

17.03: Employer Permit

- (1) Prior to delivering or causing any material to be worked upon by an industrial homeworker, the employer shall obtain an annual Employer Permit from the Office of the Attorney General. An employer must submit a complete application and meet the following conditions in order to receive a Permit:
  - (a) The employer must have a factory, plant, or place of business other than the employer's own residence, in Massachusetts.
  - (b) The employer must list the names of all the homeworkers he/she intends to hire in the application AND at time of renewal.
  - (c) The employer must pay a fee of \$200.00 for the Employer's Permit, plus a fee of \$25.00 for each application for Homeworker Certificate(s), payable at the time of application.
- (2) Employers shall furnish the material to be used by the homeworker to the homeworker's residence, or the employer shall pay the cost of transportation of the worker or the material to and from the industrial establishment.

17.04: Homeworker Certificate

- (1) No employee shall engage in industrial homework unless the employee has obtained a Homeworker's Certificate with the Office of the Attorney General.
- (2) The Office of the Attorney General or its representatives shall inspect the homes of first time applicants for Homeworker Certificate and from time to time thereafter.
  - (a) The Certificate will be issued to the employee upon application and receipt of the \$25.00 fee from the employer.
  - (b) No Homeworker Certificate shall be issued to any person under the age of 16 years.
  - (c) The Homeworker Certificate is not transferable to any other person.

17.05: Records

- (1) The employer shall keep an accurate weekly record of the names and addresses of all homeworkers together with the rate of pay, hours worked, type and amount of work and the wages earned and paid to all such persons. Such records shall be available for the inspection by the Attorney General's Office and shall be maintained for a period of no less than two years.
- (2) Employers shall report quarterly to the Attorney General's Office, on a form provided by that Office, the homeworkers' certificate numbers, the names and addresses of the homeworkers, weekly hours worked, and gross weekly wages received by all the homeworkers employed to do industrial homework, and shall be required to report such other information relative to this subject as the Office of the Attorney General may from time to time require.

REGULATORY AUTHORITY

940 CMR 17.00: M.G.L. c. 149, §§ 6 and 147E.