

ANTI-RETALIATION PROTECTIONS UNDER THE MASSACHUSETTS WAGE AND HOUR LAWS

What protections are available for employees who exercise their rights under the Massachusetts Wage and Hour Laws?

Massachusetts law prohibits an employer from taking any adverse action against an employee because the employee has:

- Filed a complaint with the Attorney General's Office;
- Complained to any other person about the employee's rights (or those of a fellow employee) under the Massachusetts wage and hour laws;
- Participated in or assisted in an investigation or a proceeding regarding alleged violations of the wage and hour laws;
- Taken any action to begin a proceeding regarding alleged violations of the wage and hour laws; or
- Testified or is about to testify in any such proceeding.

What are examples of illegal "adverse actions"?

Massachusetts law prohibits an employer from penalizing or harming an employee in any way—including threatening to penalize or harm an employee—because the employee has exercised rights under the wage laws. Examples of illegal adverse action include:

- Discharging or firing an employee;
- Discriminating against an employee in any way, e.g., taking away work hours, giving the employee undesirable assignments or schedule changes;
- Assaulting an employee;
- Defaming an employee, including giving false negative references for future employment, or discouraging others from hiring the employee;
- Making false criminal reports to authorities about the employee;
- Reporting an employee to immigration authorities; or
- Threatening an employee or the employee's family with these or any other negative consequences or harm.

What are the civil and/or criminal penalties that employers may face for violating these provisions?

- Civil penalty of up to \$15,000 per violation;
- Payment of between one and two months' wages; or
- Fine of not more than \$25,000 or imprisonment for not more than one year for a first offense.

The Massachusetts Wage and Hour Anti-Retaliation Laws can be found in M.G.L. c. 149, section 148A and M.G.L. c. 151, sections 19 (1) and (5).

For further information regarding the Wage and Hour laws, or to obtain a complaint form, please visit us at: www.mass.gov/ago/fairlabor or call us at (617)727-3465.

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