

FAIR EMPLOYMENT IN MASSACHUSETTS

Applicants to and employees of private employers with 6 or more employees, state and local governments, employment agencies and labor organizations are protected under Massachusetts General Laws Chapter 151B from discrimination on the following bases:

RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE, SEX, GENDER IDENTITY, SEXUAL ORIENTATION, GENETIC INFORMATION, ANCESTRY, MILITARY SERVICE

M.G.L. c. 151B protects applicants and employees from discrimination in hiring, promotion, discharge, pay, benefits, training, classification and other aspects of employment on the basis of race, color, religion, national origin (including language proficiency), age (if you are 40 years old or older), sex (including pregnancy), gender identity, sexual orientation, genetic information, ancestry, and military service. Religious discrimination includes failing to reasonably accommodate an employee’s religious practices where the accommodation does not impose an undue hardship.

HARASSMENT

Sexual harassment includes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to or rejection of such advances, requests or conduct is made explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with a person’s work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. ***The law also prohibits harassment based on the protected classes set forth above.***

MATERNITY LEAVE

The law requires employers to grant a female employee who has completed an initial probationary period and has given 2 weeks’ notice, at least eight (8) weeks of paid or unpaid leave for the purpose of childbirth, adoption of a child under 18, or adoption of a child under 23 years old if the child is mentally or physically disabled.

DISABILITY

M.G.L. c. 151B prohibits discrimination on the basis of disability, a record of disability or perceived disability, in hiring, promotion, discharge, pay, benefits, training, classification and other aspects of employment. Disability discrimination may include failing to reasonably accommodate an otherwise qualified person with a disability.

INQUIRIES ABOUT MENTAL HEALTH FACILITY ADMISSION

Employers may not refuse to hire or terminate an employee for failing to furnish information regarding his/her admission to a facility for the care and treatment of mentally ill persons. An employment application may not seek information about an applicant’s admission to such a facility.

CRIMINAL HISTORY INQUIRIES

The law prohibits employers from asking applicants on an initial employment application for any criminal background information unless an exemption by statute or regulation exists. For additional prohibitions, see MCAD Fact Sheet on Criminal Offender Record Information at www.mcad.gov.

RETALIATION

It is illegal to retaliate against any person because s/he has opposed any discriminatory practices or because s/he has filed a complaint, testified, or assisted in any proceeding before the Commission. It is also illegal to aid, abet, incite, compel or coerce any act forbidden under M.G.L. c. 151B, or attempt to do so.

IF YOU HAVE BEEN DISCRIMINATED AGAINST

If you feel you have been discriminated against, you should immediately file a charge of discrimination with the **Massachusetts Commission Against Discrimination**, www.mcad.gov, at one of the offices below. ***An agreement with your employer to arbitrate your discrimination claim(s) does not bar you from filing a charge of discrimination.***

Boston Office One Ashburton Place Room 601 Boston, MA 02108 (617) 994-6000 (617) 994-6196 TTY for all offices	Springfield Office 436 Dwight St. Room 220 Springfield, MA 01103 (413) 739-2145	Worcester Office Worcester City Hall 445 Main Street Room 101 Worcester, MA 01608 (508) 799-8010	New Bedford Office 800 Purchase Street Room 501 New Bedford, MA 02740 (508) 990-2390
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