

A MESSAGE FROM THE ATTORNEY GENERAL

My staff and I wrote this guide to help you understand some of the rights you have in the workplace.

All workers in Massachusetts have a right to their wages and many other protections. In this guide, you will find information about:

- how much you must be paid;
- when and how you must be paid;
- child labor;
- time off from work;
- temp workers' rights;
- and more.

Our office enforces these laws. We are here to serve you, regardless of immigration status. Contact us if you have questions about these laws or your rights, or to file a complaint. You can file a complaint with my office even if you agreed to work for less than what you are entitled to and even if you agreed not to sue your employer.

You may visit our website or call our Fair Labor Hotline.

Fair Labor Division
www.mass.gov/ago/fairlabor
(617) 727-3465
TTY 617-727-4765

We are here to serve you,
Attorney General Andrea Joy Campbell



LAWS AND REGULATIONS

MINIMUM WAGE

M.G.L. Ch. 151, §§ 1, 2, and 2A

Beginning January 1, 2023, the minimum wage in Massachusetts is \$15/hour. In Massachusetts, all workers are presumed to be employees, and most workers must be paid at least the minimum wage.

WORKERS WHO EARN TIPS

M.G.L. Ch. 151, § 7; M.G.L. Ch. 149, § 152A

Beginning January 1, 2023, the service rate in Massachusetts is \$6.75/hour. Wait staff, service bartenders, and other workers who serve customers directly and earn tips may earn the hourly “service rate.” This rate applies if:

- the worker makes more than \$20 a month in tips, and
- the average hourly tips, plus the hourly service rate, add up to at least the minimum wage each shift.

Employers, owners and employees with managerial or supervisory responsibilities on a given day must never take any of your tips.

Tips and service charges listed on a bill must be given **only** to wait staff, service bartenders, or other service employees. Tip pooling is allowed for wait staff, service bartenders, and other service employees.

OVERTIME

M.G.L. Ch. 151, §§ 1A and 1B

You must be paid at least 1.5 x the regular rate of pay for each hour over 40 hours worked in a week. The overtime rate for tipped “service rate” workers is at least 1.5 x the minimum wage.

Exception: Some jobs and workplaces are exempt from overtime.

PAYMENT OF WAGES

M.G.L. Ch. 149, § 148

Your pay (or wages) must include payment for all hours worked, as well as tips, earned vacation pay, promised holiday pay, and commissions.

Hourly employees must be paid every week or every other week (bi-weekly). The deadline to pay is 6 or 7 days after the pay period ends, depending on how many days an employee worked during one calendar week.

Employees who quit must be paid in full on the next regular payday or by the next Saturday (if there is no regular payday). Employees who are fired or laid off must be paid in full on their last day of work.

HOURS WORKED

454 C.M.R. 27.02

Hours worked or “working time” includes all time that you:

- must be on duty at the worksite or other location, and
- work before or after the normal shift.

PAY DEDUCTIONS

M.G.L. Ch. 149, § 148

Employers are not allowed to deduct money from your pay to cover the employer’s ordinary business costs like supplies or damage to equipment. The law limits how much an employer can take from your pay for housing and meals.

EMPLOYERS MUST NOT RETALIATE

M.G.L. Ch. 149, § 148A; M.G.L. Ch. 151, § 19

An employer must not punish or discriminate against you for exercising your rights.

This applies to all workers, regardless of immigration status. If an employer reports or threatens to report an undocumented worker to immigration authorities for complaining about a violation, the employer can be prosecuted and/or subject to civil penalties.

PAYSTUB AND PAYROLL INFORMATION

M.G.L. Ch. 149, § 148; M.G.L. Ch. 151, § 15

You must get a statement with your pay that says:

- Your name and the employer’s name
- Date of payment (month, day and year)
- Number of hours worked and hourly rate
- All deductions or increases

Your employer cannot charge you for your paystub. You have the right to see your own payroll records at a reasonable time and place.

MEAL BREAKS

M.G.L. Ch. 149, §§ 100 and 101

Most employees who work more than 6 hours must get a 30-minute meal break. You must be free of all duties and free to leave the workplace during this break. This break may be unpaid.

You may agree to work during the meal break, but you must get paid for that time.

WORKERS UNDER 18

M.G.L. Ch. 149, §§ 56 – 105

All employers in Massachusetts must follow state and federal laws for employees who are under 18. These laws say when, where, and how long minors may work and what jobs they must NOT do. All workers under 18 must have a work permit.

EMPLOYEES HAVE THE RIGHT TO SUE

M.G.L. Ch. 149, § 150; M.G.L. Ch. 151, §§ 1B and 20

You have the right to sue your employer for most violations of wage and hour laws.

Employees may sue individually or as a group, if they have similar complaints. Employees who win their case will receive back pay, triple damages, attorneys’ fees, and court costs.

Important! There are strict deadlines for starting a lawsuit – usually it is 3 years after the violation.

Questions? Going to court is complicated. Visit www.mass.gov/ago/fairlabor or contact the Fair Labor Hotline at 617-727-3465 to learn more.

