



Information for Foreign Nationals on Compliance with Wage and Hour Laws in Massachusetts

The Office of the Massachusetts Attorney General welcomes all foreign nationals to the Commonwealth. If you are traveling or relocating with a domestic worker(s) from abroad, or if you're planning to hire someone after you arrive, there is important information that you need to know to ensure you comply with our laws. Failure to comply with these laws could result in significant civil penalties or criminal enforcement. Likewise, if you're planning to be employed while you are in Massachusetts, you should know that you have rights as an employee.

The following summarizes some laws that apply to those who employ workers in Massachusetts. More information can be found at <http://www.mass.gov/ago/fairlabor>. For legal advice, you should talk with an attorney; for a referral, go to: <https://www.masslawhelp.com/>.

The laws discussed below apply to all workers regardless of their immigration status.

Minimum wage: Beginning January 1, 2023, the minimum wage in Massachusetts is \$15/hour.

Overtime: Domestic workers and most other employees must be paid 1.5 times their hourly rate for each hour worked over 40 hours in a week.

Employees must be paid weekly or bi-weekly for all hours worked. A worker must be paid for all time spent on work-related duties and all time that the worker must remain on the employer's premises. All breaks and rest periods that a worker is on duty must be paid, unless the worker is free to leave the employer's premises and completely relieved of all work duties.

If a worker is terminated, the employer must pay all wages owed, including earned vacation, on the date of termination. Employers must keep records of wages paid and hours worked and provide pay slips to workers along with their wages.

Meal breaks: Workers may not be required to work more than six hours without a break of at least 30 minutes. During their break, workers must be relieved of all work-related duties and be free to leave the premises.

Earned sick time: Employers must allow workers to earn and use up to 40 hours of sick time each year to care for themselves or certain family members due to illness, injury, routine medical care, or domestic violence. Employers generally cannot ask employees to provide proof. Employers with 11 or more employees, whether inside or outside Massachusetts, must provide *paid* sick leave.

Forced services: Employers may not take or destroy their employees' documents or belongings, including passports and immigration records, or otherwise force someone to accept or continue employment through threats, harm, or restraint.

The Domestic Workers Bill of Rights: Domestic workers are people who work in a home and provide services such as housekeeping, cooking, home management and caring for children or adults. Domestic workers have all the rights of other employees and some additional protections:

- Employers must provide written notice to their domestic worker employees of their rights. See: <https://www.mass.gov/lists/workplace-rights-publications#domestic-workers->
- Domestic workers who work 16 or more hours per week must have a written agreement.
- Domestic workers who work 40 or more hours per week must have at least one day off (24 hours) each week and two consecutive days off (48 hours) at least once per month.
- Deductions from pay for food or housing are limited and may only be made if the worker voluntarily accepts them and has agreed to them in writing. All deductions are subject to limits; for example, an employer may never deduct more than \$35 a week for housing. An employer may not make any deductions for housing that the employer provides and requires the worker to use.
- Domestic workers also have rights to privacy. Employers may not record or monitor domestic workers' private living spaces or private conversations.
- If employers have phone or internet service, they must also give workers free and reasonable access.
- An employer who terminates a domestic worker who resides in employer-provided housing must generally provide written notice in advance and either 30 days of housing or two weeks' wages.

More information on the special laws for domestic workers and samples of the above-mentioned notices and agreements can be found at www.mass.gov/ago/dw.

Retaliation: Employers must not retaliate against workers who try to exercise their rights under Massachusetts law. Retaliation includes termination, contacting immigration authorities, or otherwise punishing or threatening an employee. Retaliation is a separate criminal or civil offense in addition to any other wage and hour violations that may occur.

The Attorney General's Fair Labor Division enforces the state's wage and hour laws. If you have questions about these laws, please call the Fair Labor Hotline at (617) 727-3465. If you would like to file a complaint, you can visit www.mass.gov/ago/fld.