



# MA Wage & Hour Laws and Identifying and Combating Labor Trafficking

May 2026





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# The Attorney General's Office

The Attorney General's Office is an advocate and resource for ALL residents of Massachusetts.

- protecting consumers
- combating fraud and corruption
- investigating and prosecuting crime
- protecting the environment, workers, and civil rights





# Where the AGO is located



**Boston**

**New Bedford**

**Springfield**

**Worcester**





# AGO Fair Labor Division – Wage and Hour Enforcement

## FIFA World Cup Boston 2026 Contractors and Vendors Compliance with Massachusetts Wage and Hour Laws



Massachusetts Attorney General Andrea Joy Campbell welcomes the FIFA World Cup to our Commonwealth. As a business or person employing workers within our state, there is information you must know to ensure compliance with our laws. Failure to comply with these laws could result in significant civil penalties or criminal enforcement.

The following summarizes some laws that apply to those who employ workers in Massachusetts.<sup>1</sup> This is not a comprehensive list. More information can be found at <http://www.mass.gov/ago/fairlabor>.

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

**WORKER CLASSIFICATION:** All workers in Massachusetts are presumed to be employees. In order to be considered an independent contractor, the individual must be free from control and direction, and perform a service outside the usual course of business of the employer, and be engaged in an independently established trade, occupation, profession or business of the same nature of the service performed. See M.G.L. c. 149, § 148B.

**MINIMUM WAGE:** The minimum wage in Massachusetts is \$15/hour. See M.G.L. c. 151, § 1 and 454 CMR 27.02.

**OVERTIME:** With few exceptions, workers must be paid 1.5 times their hourly rate for each hour worked over 40 hours in a week. See M.G.L. c. 151, § 1A and § 1B; 454 CMR 27.03(3).

**TEMPORARY WORKERS:** Workers hired through staffing agencies are protected by these laws, and are afforded additional protections through their employers. See M.G.L. c. 149, § 159C and 454 CMR 24.00.

**FORCED SERVICES/LABOR TRAFFICKING:** 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. This is a crime in Massachusetts. Anyone who forces another person to work in this way, or benefits as a result of the work, could face imprisonment and fines. Businesses that commit labor trafficking can be fined up to one million dollars. See M.G.L. c. 265, § 49 and § 51.

**CHILD LABOR:** Child labor laws limit the hours workers under 18 can work and the kinds of jobs that they can do. Employers must have Youth Employment Permits (work permits) on file for all workers under 18. In Massachusetts, children under 14 may not work, except in very limited cases. See [www.mass.gov/ago/youthemployment](http://www.mass.gov/ago/youthemployment). See M.G.L. c. 149, §§ 56-105.

<sup>1</sup> The authority of the Attorney General to render formal legal opinions extends only to state officials, district attorneys, and branches and committees of the Legislature. G.L. c. 12, §§ 3, 6, and 9. Accordingly, the information contained herein should not be construed as a legal opinion of the Attorney General and is provided for informational purposes only.



**TIPS:** The service rate in Massachusetts is \$6.75/hour. The average hourly tips, plus the hourly service rate paid to the worker must add up to at least the minimum wage of \$15/hour per shift. Employers, owners and employees with managerial responsibilities may not partake in a tip pool. Tip pooling is allowed only for wait staff, service bartenders, and other service employees. See M.G.L. c. 149 § 152A and M.G.L. c. 151, § 7 and 454 CMR 27.03(2).

**TIMELY PAY:** A worker must be paid for all time spent on work-related duties, all time that the worker must remain on the employer's premises, and work performed before or after the normal shift to complete the work. 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 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. See M.G.L. c. 149, § 148; 454 CMR 27.02.

**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. See M.G.L. c. 149, §§ 100 and 101.

**PAYSTUBS:** All employees must get a statement, at no cost, with their pay that says the name of the employer and employee, the date of payment (month, day, and year), the number of hours worked during the pay period, the hourly rate, and all deductions or increases made during the pay period. See M.G.L. c. 149, § 148.

**PAYROLL RECORDS:** Payroll records must include the employee's name, address, job/occupation, amount paid each pay period, and hours worked (each day and week). Employers must keep payroll records for 3 years. Employees have the right to see their own payroll records at reasonable times and places. See M.G.L. c. 151, § 15.

**REPORTING PAY:** Most employees must be paid for 3 hours at no less than minimum wage if the employee is scheduled to work 3 or more hours, and reports to work on time, and is not given the expected hours of work. See 454 CMR 27.04(1).

**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. See M.G.L. c. 151, § 19, and M.G.L. c. 149, § 148A.

**EMPLOYEES HAVE A RIGHT TO SUE:** Employees have the right to sue their employer for most violations of wage and hour laws. Employees may sue as an individual or they may sue their employer as a group if they have similar complaints. *Employees who win their case will receive back pay, triple damages, attorneys' fees, and court costs.* See M.G.L. c. 149, § 150; M.G.L. c. 151, § 1B and § 20.

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, M-F 10:00AM-4:00PM.





# AGO Fair Labor Division

- Investigations
- Enforcement
  - Criminal
  - Civil
  - Personal liability
- Outreach/education





# What happens if you violate one of these laws?

- “Ignorance is no excuse” and intent is irrelevant – “strict liability”
- May be **investigated** by Attorney General
- May receive **civil citation**, and have to pay **restitution and penalties**
- May face **criminal charges**
- May face **lawsuits** by employees





# Worker Classification

All workers in Massachusetts are presumed to be employees.

In order to be considered an independent contractor, the individual must be:

1. free from control and direction, *and*
2. perform a service outside the usual course of business of the employer, *and*
3. be engaged in an independently established trade, occupation, profession or business of the same nature of the service performed.





# Volunteers

- Volunteers provide services to ***not-for-profit or charitable organizations***. The [Department of Labor Standards](#) (DLS) determines who can work as an unpaid volunteer. DLS considers the following in determining whether an individual may be classified as volunteer:
  - The nature of the entity receiving the services
  - The receipt by the worker of any benefits, or expectation of any benefits, from their work
  - Whether the activity is less than a full-time occupation
  - Whether regular employees are displaced by the "volunteer"
  - Whether the services are offered freely without pressure or coercion
  - Whether the services are of the kind typically associated with volunteer work





# Minimum Wage and Overtime Laws

## MINIMUM WAGE:

The minimum wage in Massachusetts is \$15/hour.

## OVERTIME:

With few exceptions, workers must be paid 1.5 times their hourly rate for all time worked over 40 hours in a week.





# Timely Payment of Wages

**How soon?** Employees generally must be paid within 6 days of the end of the pay period

**How often?** Pay period can be:

- Weekly or Biweekly (every two weeks)
- For certain salaried employees: bi-weekly or semi-monthly unless employee chooses monthly

**After leaving:**

- Terminated employees must be paid same day, including accrued vacation
- Employees who quit must be paid with next regular pay cycle

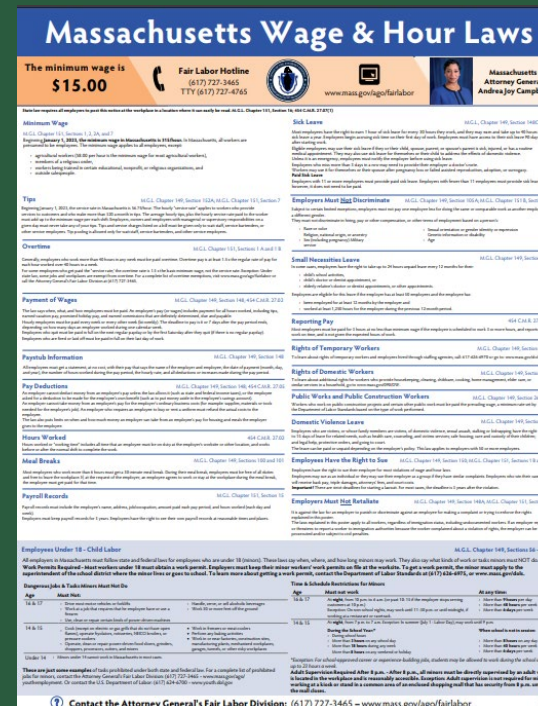




# Paystubs

All employees must receive a statement each pay period listing:

- Name of the employer
- Name of the employee
- Date
- Number of hours worked
- Hourly rate, and
- Amounts of deductions or increases



• Workplace poster of state wage & hour laws is required:

[www.mass.gov/forms/massachusetts-wage-hour-laws-poster-request](http://www.mass.gov/forms/massachusetts-wage-hour-laws-poster-request)





# Earned Sick Time Purposes

Employees must be able to use Earned Sick Time to:

1. care for their child, spouse, parent, or parent of a spouse;
2. care for themselves;
3. attend a routine medical appointment their child, spouse, parent, parent of a spouse, or themselves;
4. address the effects of domestic violence; or
5. travel to and from the location related to the purpose for which the time was taken.

## EARNED SICK TIME

### Notice of Employee Rights

Beginning July 1, 2015, Massachusetts employees have the right to earn and take sick leave from work.

WHO QUALIFIES?	WILL IT BE PAID?
<p><b>All employees</b> in Massachusetts can earn sick time.</p> <p>This includes full-time, part-time, temporary, and seasonal employees.</p>	<ul style="list-style-type: none"><li>○ If an employer has 11 or more employees, sick time must be paid.</li><li>○ For employers with 10 or fewer employees, sick time may be unpaid.</li><li>○ Paid sick time must be paid on the same schedule and at the same rate as regular wages.</li></ul>
HOW IS IT EARNED?	WHEN CAN IT BE USED?
<ul style="list-style-type: none"><li>○ Employees earn 1 hour of sick time for every 30 hours they work.</li><li>○ Employees can earn and use up to <b>40 hours per year</b> if they work enough hours.</li><li>○ Employees with unused earned sick time at the end of the year can <b>rollover up to 40 hours</b>.</li><li>○ Employees <b>begin earning</b> sick time on their first day of work and <b>may begin using</b> earned sick time 90 days after starting work.</li></ul>	<ul style="list-style-type: none"><li>○ An employee can use sick time when the employee or the employee's child, spouse, parent, or parent of a spouse is sick, has a medical appointment, or has to address the effects of domestic violence.</li><li>○ The smallest amount of sick time an employee can take is one hour.</li><li>○ Sick time cannot be used as an excuse to be late for work without advance notice of a proper use.</li><li>○ Use of sick time for other purposes is not allowed and may result in an employee being disciplined.</li></ul>


### CAN AN EMPLOYER HAVE A DIFFERENT POLICY?

Yes. Employers may have their own sick leave or paid time off policy, so long as employees can use at least the same amount of time, for the same reasons, and with the same job-protections as under the Earned Sick Time Law.

RETALIATION	NOTICE & VERIFICATION
<ul style="list-style-type: none"><li>○ Employees using earned sick time cannot be fired or otherwise retaliated against for exercising or attempting to exercise rights under the law.</li><li>○ Examples of retaliation include: denying use or delaying payment of earned sick time, firing an employee, taking away work hours, or giving the employee undesirable assignments.</li></ul>	<ul style="list-style-type: none"><li>○ Employees must <b>notify</b> their employer before they use sick time, except in an emergency.</li><li>○ Employers may require employees to <b>use a reasonable notification system</b> the employer creates.</li><li>○ If an employee is out of work for 3 consecutive days <b>OR</b> uses sick time within 2 weeks of leaving his or her job, an employer may require documentation from a medical provider.</li></ul>

### DO YOU HAVE QUESTIONS?

Call the Fair Labor Division at 617-727-3465 ○ Visit [www.mass.gov/ago/earned sicktime](http://www.mass.gov/ago/earned sicktime)



The Attorney General enforces the Earned Sick Time Law and regulations. It is unlawful to violate any provision of the Earned Sick Time Law. Violations of any provision of the Earned Sick Time Law, M.G.L. c. 149, §149C, or these regulations, 940 CMR 33.00 shall be subject to paragraphs (1), (2), (4), (6) and (7) of subsection (b) of M.G.L. c. 149, §27C(b) and to §150. **This notice is intended to inform.** Full text of the law and regulations are available at [www.mass.gov/ago/earned sicktime](http://www.mass.gov/ago/earned sicktime).

Commonwealth of Massachusetts  
Office of the Attorney General  
English - July 2016



# Accruing & Using Earned Sick Time

- Employees earn sick time at the rate of 1 hour per 30 hours worked, up to 40 hours per year.
- An employee begins to EARN sick time on their first date of actual work.
- All hours worked, including hours worked outside of MA, count towards accrual.
- Although employees begin to EARN sick time immediately, employees may begin to USE earned sick time 90 days after starting work.





# Earned Sick Time

## Other requirements related to:

- Notice
- Carryover
- Breaks in Service
- Documentation
- Record Keeping
- Posting
- Retaliation

[www.mass.gov/ago/earnedsicktime](http://www.mass.gov/ago/earnedsicktime)





# Temporary Workers

Workers hired through staffing agencies are protected by these laws and are afforded additional protections through their employers. See: [www.mass.gov/info-details/temporary-workers](http://www.mass.gov/info-details/temporary-workers)

Joint Employer: a four-pronged “totality of the circumstances” test adopted by SJC in 2021 decision *Jinks v. Credico USA, LLC*





# Meal Breaks

- 30-minute break after 6 hours of work
- Must be relieved of all duties and free to leave the workplace
- Can voluntarily give up the meal break, but must be paid for time worked





# Child Labor Laws

Child labor laws limit:

- the hours workers under 18 can work and
- the kinds of jobs that they can do.

Employers must have Youth Employment Permits (work permits) on file for all workers under 18.

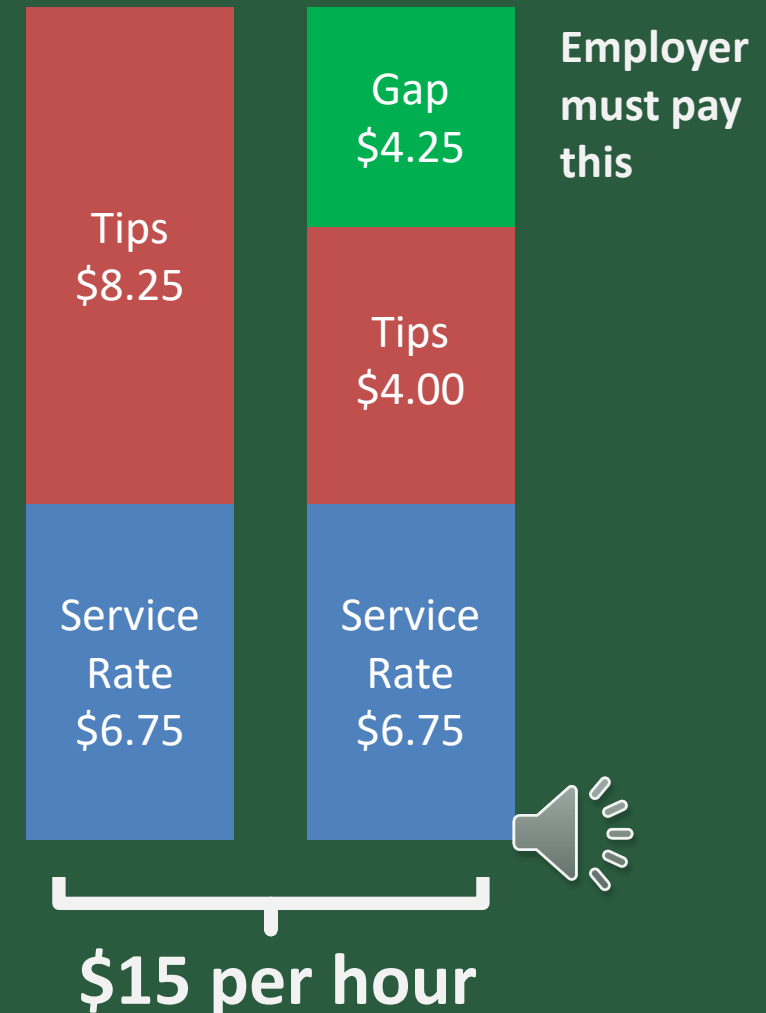
In Massachusetts, children under 14 may not work, except in very limited cases.





# Tips Statute

- Managers, supervisors, and owners must never take any part of workers' tips.
- Tip pooling is allowed only for service employees.
- Tips must actually go to employees
- Cannot be used to purchase goods for them.
- Tips must be paid by next payday.
- Tips must be listed on paystub.





# Retaliation

Employers may not take adverse action against employees:

- For complaining about wage and hour violations
- For assisting with or testifying in an AGO investigation
- For using or requesting to use earned sick time
- Because employer believes an employee has done any of the above or is about to do so

Examples of retaliation:

- Discharge/termination/suspension
- Cut hours/Reduced schedule
- Less desirable/dangerous assignments
- Disciplinary action
- Differential treatment





# Workers' Right to Sue

Employees have the right to sue their employer for most violations of wage and hour laws.

Employees may sue as an individual or they may sue their employer as a group if they have similar complaints.

Employees who win their case will receive back pay, triple damages, attorneys' fees, and court costs.





# Trafficking Statistics: Massachusetts

## MA Data 2007-2024

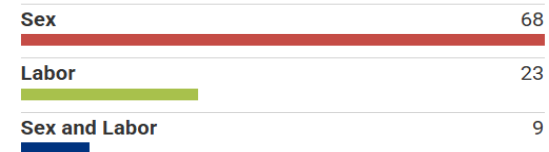
- Signals received from/about Massachusetts: 4,244
- Cases identified in Massachusetts: 1,175
- Victims identified in Massachusetts: 2,283

2024  Massachusetts

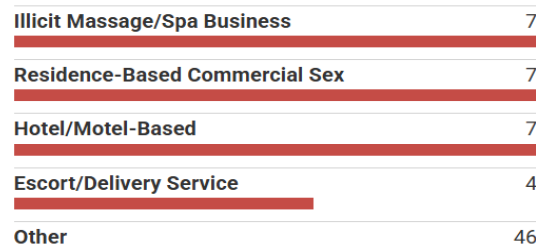
### What types of trafficking cases were reported?

The Hotline receives tips about situations involving sex trafficking, labor trafficking, sex & labor trafficking, as well as situations where the type of trafficking may be unknown or not specified.

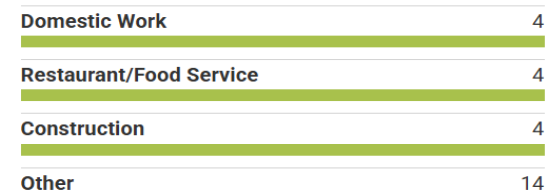
#### Types of Trafficking



#### Venues for Sex Trafficking



#### Venues for Labor Trafficking



NATIONAL  
HUMAN  
TRAFFICKING  
HOTLINE

Source: <https://humantraffickinghotline.org/en/statistics/massachusetts>



# Venues for Labor Trafficking 2024 Nationally

Domestic Work	482
Restaurant/Food Service	219
Construction	180
Agriculture/Farms	155
Illicit Activity	112
Retail/Other Small Business	92
Hospitality	72
Housekeeping/Cleaning Service	63
Factory	40
Landscaping Service	39
Health & Beauty Services	34
Transportation	33
Begging Ring	28
Health Care	20
Traveling Sales Crew	19
Peddling Ring	15
Bar/Club	12
Education	11
Arts & Entertainment	8
Pre-school/Child Day Care Service	8
Hostess/Strip Club	7
Recreational Facilities	7
Professional/Scientific/Tech Services	4
Traveling Carnival	4
Forestry/Reforestation	3
Other	744

**NATIONAL  
HUMAN  
TRAFFICKING  
HOTLINE**

Get Help | 24/7 Confidential | 1-888-373-7888 | TTY: 711 | Text\* 233733 | Chat

Source: <https://humantraffickinghotline.org/en/statistics>





# M.G.L. c. 265, § 51

## Trafficking of Persons for Forced Services

- (a) Whoever knowingly:
  - (i) subjects, or attempts to subject, another person to forced services, or recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person, intending or knowing that such person will be subjected to forced services; or
  - (ii) benefits, financially or by receiving anything of value, as a result of a violation of clause (i).
- Penalty: Imprisonment in the state prison for not less than 5 years but not more than 20 years and by a fine of not more than \$25,000. Business fine: \$1,000,000





# M.G. L. c. 265, § 49

## “Forced Services” defined

- “Forced services” are “services performed or provided by a person that are obtained or maintained by another person who”:
  - (i) causes or threatens to cause serious harm to any person;
  - (ii) physically restrains or threatens to physically restrain another person;
  - (iii) abuses or threatens to abuse the law or legal process;
  - (iv) knowingly destroys, conceals, removes, confiscates or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person;
  - (v) engages in extortion under section 25; or
  - (vi) causes or threatens to cause financial harm to any person.





# Labor Trafficking Indicators

## Working Conditions

- Unpaid or paid very little
- Excessive wage deductions
- Works excessively long hours
- Not allowed breaks
- Unable to identify employer
- High security measures (e.g. boarded up windows, barbed wire, security cameras)
- Recruited through false promises
- Inadequate protective clothing or gear
- Poor or non-existence health and safety standards
- Experiences threats or intimidation by employer

## Living Conditions

- Imposed place of accommodation
- Lives with employers
- Lives with multiple people in cramped space
- High security measures
- Poor living conditions
- Claims of “just visiting” and inability to clarify where s/he is staying/address

*These are potential signs of labor trafficking. The indicators listed are not determinative nor cumulative; they are meant to inform and to raise awareness that one or several of these red flags may be present in a forced services situation.*



# Labor Trafficking Indicators cont.

## Lack of Control

- NOT:
  - free to come and go as desired
  - in control of his/her own money
  - in control of his/her identification documents
  - allowed to speak for him/herself
  - allowed to speak without a third party present
- Owes a large debt and is unable to pay it off

## Behavior and Health

- Fearful, anxious, depressed, submissive, tense, nervous/paranoid
- Answers appear to be scripted/rehearsed
- Unable to identify what city s/he is in
- Numerous inconsistencies in his/her story
- Appears malnourished or extremely fatigued
- Suffers chronic health problems due to working conditions
- Shows signs of physical abuse, physical restraint, confinement or torture
- Lacks or is denied medical care/services by employer

*These are potential signs of labor trafficking. The indicators listed are not determinative nor cumulative; they are meant to inform and to raise awareness that one or several of these red flags may be present in a forced services situation.*





# Information, Referrals, Complaints, Tips



Massachusetts Attorney General's Fair Labor Division hotline  
Monday-Friday, 10AM-4PM: 617-727-3465  
File a wage complaint: [www.mass.gov/ago/fla](http://www.mass.gov/ago/fla)  
Labor trafficking info: [www.mass.gov/ago/lt](http://www.mass.gov/ago/lt)  
[labortrafficking@mass.gov](mailto:labortrafficking@mass.gov)



Massachusetts Attorney General's Human Trafficking Division  
Monday-Friday, 9AM-5PM: 617-963-2011  
Labor trafficking info: [www.mass.gov/ago/lt](http://www.mass.gov/ago/lt)  
[labortrafficking@mass.gov](mailto:labortrafficking@mass.gov)

**If someone is in immediate danger, call 911**





# Trafficking Referrals

**\*Remember, if there is an emergency situation, call 911.\***

**NATIONAL  
HUMAN  
TRAFFICKING  
HOTLINE**

Call: 1-888-373-7888

Text: [233733](https://text.233733.com)

E-mail: [help@humantraffickinghotline.org](mailto:help@humantraffickinghotline.org)

Web chat: [humantraffickinghotline.org/chat](https://humantraffickinghotline.org/chat)

File a report: [humantraffickinghotline.org/report-trafficking](https://humantraffickinghotline.org/report-trafficking)

