

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 Maura Healey

LAWS AND REGULATIONS

MINIMUM WAGE

M.G.L. Ch. 151, §§ 1, 2, and 2A

In Massachusetts, all workers are presumed to be employees, and almost all workers must be paid at least the minimum wage of \$10.00 an hour.

Starting **January 1, 2017**, the minimum wage will be **\$11.00**.

WORKERS WHO EARN TIPS

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

Wait staff, service bartenders, and other workers who serve customers directly and earn tips may earn the hourly "service rate," which is **\$3.35** per hour. 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 the minimum wage.

Starting **January 1, 2017**, the service rate will be **\$3.75** per hour.

Managers, supervisors, and owners must never take any part of your tips.

Tips and service charges listed on a bill must be given **only** to wait staff, service bartenders, or other service employees according to the services provided by each employee. 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.

Learn more at: www.mass.gov/ago/fairlabor or call the Fair Labor Hotline at (617) 727-3465.

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 5 or 6 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 during the pay period and hourly rate
- All deductions or increases made during the pay period

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

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 617-727-3465 to learn more.

LAWS AND REGULATIONS, CTD.

SICK LEAVE

M.G.L. Ch. 149, § 148C

You have the right to earn 1 hour of sick leave for every 30 hours you work. You may earn and take up to 40 hours of sick leave a year. You must be able to use your sick leave 90 days after your first day of work.

You may use your sick leave if you (or your child, spouse, parent or spouse's parent) are: sick, injured, or have a routine medical appointment. You may also use sick leave for yourself or your child to deal with domestic violence.

Employers with 11 or more employees must provide paid sick leave. Employers with fewer than 11 employees must provide sick leave, but it does not need to be paid. Learn more at: www.mass.gov/ago/earned sicktime.

REPORTING PAY

454 C.M.R. 27.04

If you are scheduled to work 3 or more hours, you must be paid for at least 3 hours at no less than minimum wage if you:

- report to work on time, and
- are not given the expected hours of work.

TEMP WORKERS RIGHT TO KNOW LAW

M.G.L. Ch. 149, § 159C

Temporary and staffing agencies must give you certain important information in writing before each new assignment.

To learn more, contact the Department of Labor Standards at 617-626-6970. Or visit www.mass.gov/dols.

DOMESTIC WORKERS BILL OF RIGHTS

M.G.L. Ch. 149, § 190

Workers who provide housekeeping, cleaning, childcare, cooking, home management, elder care, or similar services in a household have additional laws that protect them at work. Learn more at www.mass.gov/ago/DW.

DOMESTIC VIOLENCE LEAVE

M.G.L. Ch. 149, § 52E

If you or your family member is a victim of domestic violence, sexual assault, stalking or kidnapping, you have the right to 15 days of paid or unpaid leave for related needs, such as:

- Health care, counseling, or victim services
- Safe housing
- Care or custody of children
- Legal help, protective orders, going to court

This law applies to employers with 50 or more employees.

SMALL NECESSITIES LEAVE ACT

M.G.L. Ch. 149, § 52D

You may have the right to take up to 24 hours of unpaid leave every 12 months for your:

- Child's school activities,
- Child's doctor or dentist appointments, or
- Senior relative's doctor or dentist appointments, or other appointments related to the elder's care.

You are eligible for this leave if your employer has 50 or more employees, and you have worked at least 1,250 hours for this employer in the last 12 months.

EMPLOYERS MUST NOT DISCRIMINATE

M.G.L. Ch. 149, § 105A; M.G.L. Ch. 151B, § 4

In general, an employer must not pay you less for doing the same or comparable work as another employee of the opposite sex.

They must not discriminate in hiring, pay or other compensation, or other terms of employment based on a your:

- Race, color, religion, national origin, or ancestry
- Sex (including pregnancy), sexual orientation, or gender identity or expression
- Genetic information or disability
- Age
- Military service

RESOURCES

Questions about pay and hours?

Office of Attorney General Maura Healey
Fair Labor Division
(617) 727-3465
(617) 727-4765 (TTY)
www.mass.gov/ago/FairLabor
www.massworkrights.com
www.laborlowdown.com

U.S. Department of Labor Wage and Hour Division
866-4-USWAGE
877-889-5627 (TTY)
www.dol.gov/whd

Massachusetts Department of Labor Standards
(617) 626-6975
www.mass.gov/dols

Questions about health and safety at work?

U.S. Occupational Safety and Health Administration (OSHA)
(617) 565-9860
www.osha.gov

Massachusetts Department of Industrial Accidents (DIA)
www.mass.gov/dia
(617) 727-4900

Massachusetts Department of Public Health (DPH)
(617) 624-6000
www.mass.gov/dph

Questions about protections against discrimination?

Office of Attorney General Maura Healey
Civil Rights Division
(617) 727-2200
www.mass.gov/ago/civilrights

Massachusetts Commission Against Discrimination (MCAD)
(617) 994-6000
www.mass.gov/mcad

U.S. Equal Employment Opportunity Commission (EEOC)
(617) 565-3200
www.eeoc.gov

THE OFFICE OF ATTORNEY GENERAL MAURA HEALEY

Guide to Workplace Rights and Responsibilities



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