Minimum Wage

M.G.L. Chapter 151, Sections 1, 2, 2A, and 7

In Massachusetts, all workers are presumed to be employees. The minimum wage applies to all employees, except:
- agricultural workers (50 or more per hour is the minimum wage for agricultural workers),
- members of a religious order,
- workers being trained in certain education, nonprofit, or religious organizations, and
- outside salespeople.

Tips

M.G.L. Chapter 149, Section 152A, M.G.L. Chapter 151, Section 7

The hourly “service rate” applies to workers who provide services to customers and who make more than $20 an hour in tips. The average hourly tips, plus the hourly service rate paid to the worker must add up to the minimum wage (or more). Managers, supervisors and owners must never take any part of their employees’ tips.

Overtime

M.G.L. Chapter 151, Sections 1A and 1B

Generally, employees who work more than 40 hours in any week must be paid overtime. Overtime pay is at least 1.5 x the regular rate of pay for each hour worked over 40 hours in a week.

Small Necessities Leave

M.G.L. Chapter 149, Section 52D

In some cases, employees have the right to take up to 24 hours unpaid leave every 12 months for their:
- child’s school activities,
- child’s doctor or dentist appointment, or
- elderly relative’s doctor or dentist appointments, or other appointments.

Pay Deductions

M.G.L. Chapter 149, Section 148, 454 C.M.R. 27.05

An employer cannot deduct money from an employee’s pay unless the law allows it (such as state and federal income taxes), or the employee asked for a deduction to be made for the employee’s own benefit (such as to put money aside in the employee’s savings account). An employee cannot take money from an employer’s pay for the employer’s ordinary business costs (for example: supplies, materials or tools needed for the employee’s job). An employer who requires an employee to buy or rent a uniform must refund the actual costs to the employee.

Payroll Records

M.G.L. Chapter 151, Section 15

Payroll records must include the employee’s name, address, job/occupation, amount paid each pay period, and hours worked (each day and week).

Employees Under 18 – Child Labor

All employers in Massachusetts must follow state and federal laws for employees who are under 18 (minors). These laws say when, where, and how long minors may work. They also say what kinds of work or tasks minors must NOT do.

Work Permits Required - Most workers under 18 must obtain a work permit. Employers must keep their minor workers’ work permits on file at the worksite. To get a work permit, the minor must apply to the superintendent of the when, where, minors may work. They also say what kinds of work or tasks minors must NOT do.

Employers Must Not Discriminate

M.G.L. Chapter 149, Section 105A, M.G.L. Chapter 151, Section 18

Subject to certain limited exceptions, employers must not pay one employee less for doing the same or comparable work as another employee of a different gender. They must not discriminate in hiring, pay or other compensation, or other terms of employment based on a person’s:
- Race or color
- Religion, national origin, or ancestry
- Sex (including pregnancy)
- Sexual orientation or gender identity or expression
- Genetic information or disability
- Age

Public Works and Public Construction Workers

M.G.L. Chapter 149, Section 26-27H

Workers who work on public construction projects and certain other public work must be paid the prevailing wage, a minimum rate set by the Department of Labor Standards based on the type of work performed.

Domestic Violence Leave

M.G.L. Chapter 149, Section 52E

Employers are not required to provide leave to employees who are victims of domestic violence, sexual assault, stalking or kidnapping who must leave work to address the effects of domestic violence.

Employees Have the Right to Sue

M.G.L. Chapter 149, Chapter 150, M.G.L. Chapter 151, Sections 18 and 20

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 cases will receive back pay, triple damages, attorneys’ fees, and court costs.

Employers Must Not Retaliate

M.G.L. Chapter 149, Section 148A, M.G.L. Chapter 151, Section 19

It is against the law for an employer to punish or discriminate against an employee for making a complaint or trying to enforce the rights explained in this poster. If an employer threatens to report a worker to immigration authorities because the worker complained about a violation of rights, the employer can be prosecuted and/or subject to civil penalties.

Massachusetts Wage & Hour Laws

www.mass.gov/ago/fairlabor

Time & Schedule Restrictions for Minors

Age Must not work

16 & 17
- Drive motor vehicles or forklifts
- Work at jobs that require the employee have or use a firearm
- Use, clean or repair certain kinds of power-driven machines
- Cook (except on electric or gas grills that do not have open flame), operate fryers, rotisseries, NIECO broilers, or pressure cookers
- Work in repair-power-driven food items, grinders, choppers, processors, cutters, and mixers

14 & 15
- Work in freezers or meat coolers
- Perform any baking activities
- Work in or near factories, construction sites, manufacturing plants, mechanical workshops, garages, tunnels, or other risky workplaces

Under 14
- Minors under 14 cannot work in Massachusetts in most cases.

These are just some examples of tasks prohibited under both state and federal law. For a complete list of prohibited jobs for minors, contact the Attorney General’s Fair Labor Division: (617) 727-3465 – www.mass.gov/ago/youthemployment or contact the U.S. Department of Labor: (617) 624-6700 – www.youth.gov/dol

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Effective Date Minimum Wage Service Rate
January 1, 2017 $11.00 $3.75
January 1, 2019 $12.00 $4.35
January 1, 2020 $12.75 $4.95
January 1, 2021 $13.30 $5.55
January 1, 2022 $14.25 $6.15
January 1, 2023 $15.00 $6.73

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M.G.L. Chapter 149, Section 148C

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Reporting Pay

454 C.M.R. 27.04(1)

Most employers 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 not given the expected hours of work.

Rights of Temporal Workers

M.G.L. Chapter 149, Section 159C

To learn about rights of temporary workers and employees hired through staffing agencies, call: 617-626-6970 or go to: www.mass.gov/dol.

Rights of Domestic Workers

M.G.L. Chapter 149, Section 190

To learn about additional rights for workers who provide housekeeping, cleaning, childcare, cooking, home management, elder care, or similar services in a household, go to: www.mass.gov/ago/DIF.

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