



Workers' Rights

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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





How we work?

How: Four Major Ways this Work is Executed





Where the AGO is located?



Boston

New Bedford

Springfield

Worcester



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Workers' Rights Presentation

Wage & Hour Laws

Earned Sick Time

AGO Resources



Minimum Wage

M.G.L. c. 151, §§ 1 & 2

Effective Date

Minimum Wage

January 1, 2024

\$15



Restaurant and Service Employees

- 2024- \$6.75/hr.
- Minimum wage still applies
- Pay + Tips must = current minimum hourly wage
- Employer makes up difference



State Overtime

M.G.L. c. 151, § 1A

For most hourly and salaried employees:

- If you work more than 40 hours a week, then paid 1.5 times regular hourly rate
- There are some exceptions to overtime laws
- Check federal laws for coverage





Travel Time

- Usually, travel between home and work is not paid
- Travel time during a workday is paid
- Report to an alternate site:
 - Paid all excess travel time and associated expenses





Meal Break

M.G.L. c. 149, §§ 100 & 101

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





Child Labor Laws: An Overview

M.G.L. c. 149, §§ 56-105

14 and 15 Year Olds

- School year:
 - 7 a.m. - 7 p.m. (not during school hrs)
 - Max hrs 18/wk
- Summer:
 - 7 a.m. - 9 p.m.
 - Max 40hrs/wk

16 and 17 Year Olds

- Preceding a school day:
 - 6 a.m. - 10 p.m.
- Not preceding a school day:
 - 6 a.m. - 11:30 p.m.
- Max 48hrs/wk whether or not school is in session



**Permit to work
must be obtained**

Website: <https://www.mass.gov/working-under-18>



Prohibited Jobs/Tasks:

Workers Under 16 May NOT:

- Operate power-driven machinery
- Cook (except on electric or gas grills)



• Work in...

- Manufacturing facilities
- Brick or lumber yards
- Construction, transportation, communications, or public utilities



Workers Under 18 May NOT:

- Drive a vehicle
- Handle, serve or sell alcoholic beverages
- Work in any job requiring the possession or use of a firearm



• Work in...



- Excavation, wrecking, demolition, or shipbreaking
- Logging, sawmilling, or mining
- Slaughtering, packing, or processing meat
- Railway operations
- Roofing on or about a roof





The Wage Act

M.G.L. c. 149, § 148

- As a general rule, workers must be paid
 - within six days of the end of the pay period
 - every week or every two weeks for hourly employees
- Timing of payment may differ for certain employees





Documentation with Pay

- Employer must give a pay slip or paystub showing:
 - Employer's name
 - Employee's name
 - Date, number of hours worked
 - Hourly rate of pay
 - Amounts of deductions or increases made for the pay period



Allowable Deductions

Required by Law

- Social Security, taxes, court-ordered deductions

Authorized by you for your sole benefit

- Health insurance, savings plan

Examples of deductions not allowed:

- Dissatisfaction with work performance
- Damage to property
- Cost of uniforms



Termination Pay

M.G.L. c. 149, § 148

- Employee fired, terminated or laid off:
 - Paid in full on last day of work
- Employee quits or resigns:
 - Paid in full on next regular pay day
- Wages include any earned vacation [not sick time]



Independent Contractors

M.G.L. c. 149, § 148B

- Wage and hour laws apply to employees, but not independent contractors.
- Independent contractors must meet 3 conditions:
 - The work is done without the direction and control of the employer.
 - The work is performed outside the usual course of the employer's business.
 - The worker (contractor) has their own, independent business doing that kind of work.



Payroll Records

M.G.L. c. 151, § 15

- Right to inspect their payroll records at reasonable times and places
- Records must be kept for 3 years





Overview

JULY 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4 Independence Day
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Most Massachusetts employees are now entitled to earn up to **40** hours of sick time per year

Earned Sick Time



How Is It Earned? How Much Can Be Earned?

How It's Earned

- Workers earn sick time by working

Employers provide sick time to workers either by:

- Accrual: as you work, you earn sick time hours
- Lump Sum: at the beginning of the month or year, you are given sick time

How Much

- 30 hours worked = 1 hour sick time earned
- Up to 40 hours per year



Earned Sick Time

- Employers with 11 or more employees must provide paid sick time.
- Employers with fewer than 10 employees must provide earned sick time, but sick time may be unpaid.
- Employees begin earning sick time on their first day of work, however, they may begin using earned sick time 90 days after starting work.

More info: <https://www.mass.gov/doc/earned-sick-time-notice-of-employee-rights-english/download>



What Can It Be Used For?

1. care for your child, spouse, parent, or parent of a spouse;
2. care for yourself;
3. attend a routine medical appointment for your child, spouse, parent, parent of a spouse, or yourself;
4. address the effects of domestic violence



Retaliation

- Employers may not retaliate against employees for exercising rights under these laws.
- Examples of retaliation:
 - Employer withhold your passport
 - Employer reduce your hours
 - Employer fires you



Immigrant Workers Are Protected!

- State laws that protect workers apply to all workers, including undocumented workers.
- **Warning!** An employer can be charged with a crime if they report a worker to the immigration authorities because the worker complained about a violation of wage and hour law rights or other rights. (M.G.L. c. 149, §§ 27C & 148A; M.G.L. c. 151 § 19(1) & (5))
- Authorized immigrant workers who work for an employer with at least 3 other employees are protected against discrimination based on their immigration status. For more information, contact the U.S. Department of Justice: 800-255-7688 – www.justice.gov/crt/about/osc/.



Employment Discrimination

Protected Categories

Gender Identity

Sexual Orientation

Race

Color

Religion

National Origin

Disability

Age (40+)

Sex

Ancestry

Genetic Information



Employment Discrimination

Employers may not take **adverse action** against you just because you are part of a protected class

Must provide reasonable accommodations for employees w/disabilities



Must provide reasonable accommodations for employees to exercise religious beliefs



Right to Sue

M.G.L. c. 149, § 150

- Employee may sue to obtain owed wages
- If win in court, can receive three times the wages owed and cost of attorney fees
- There are strict deadlines for starting a lawsuit, called “statutes of limitations.” They control how much time you have to file a lawsuit. The statute of limitations for most wage and hour violations is 3 years after the violation. If you miss that deadline, you will not be able to sue.
- More info: <https://www.mass.gov/service-details/workers-right-to-sue>





Enforcement

- Workers (or others) may file complaints with our office.
 - Review
 - Investigation
 - Enforcement



Other Resources

Workers' Compensation

(800) 323-3249 x470, www.mass.gov/dia

Occupational Safety and Health Administration- (OSHA)

617-565-9860, www.osha.gov

Massachusetts Commission Against Discrimination

(617) 994-6000, www.mass.gov/mcad



Other Resources

Worker's Rights Materials:
www.mass.gov/lists/workplace-rights-publications



Contact Us

www.mass.gov/ago

617-727-2200



File a Wage Theft or Workplace Complaint

617-727-3465

Online: <http://www.mass.gov/how-to/file-a-workplace-complaint>



AGO Resources

Have a Complaint or Question?

General Assistance

Consumer Hotline: (617) 727-8400

File A Complaint: www.mass.gov/how-to/file-a-consumer-complaint

Specific Hotlines

Fair Labor Division- Protecting workers from exploitation by enforcing wage and hour, public construction, and child labor laws (617) 727-3465

Civil Rights Division- Enforces and safeguards Constitutional and statutory civil rights and liberties on behalf of Massachusetts residents [\(617\) 963-2917](tel:6179632917)

Health Care Division- Enforces health care laws to protect the rights of Massachusetts consumers [\(888\) 830-6277](tel:8888306277)

Insurance and Financial Services Division- Performing key consumer protection functions, including securities enforcement, insurance and lending enforcement, insurance rate cases and advocacy, and consumer mediation and advocacy [\(888\) 830-6277](tel:8888306277)