



Worker's Rights

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The Job of the Attorney General

Attorney General

Maura Healey is the chief lawyer and law enforcement officer of the Commonwealth of Massachusetts.





Where the AGO is located?

Attorney General Maura Healey and her staff engage with every city and town in the Commonwealth. The Attorney General's Consumer Advocacy and Response Division supports over thirty regional consumer and face to face mediation programs and is the first line of assistance available to the public.





Remote Work in Light of the Coronavirus Pandemic

- The AGO is currently entirely **virtual!**
- We remain committed to serving members of the Commonwealth.
- Our hotlines are fully staffed during our regular hours. Walk-ins are encouraged to file complaints online or call our office.



Who the AGO Serves & How

Who:

The Commonwealth

Residents of the Commonwealth and their public interests

State departments, officers, and commissions

Groups of consumers

How:

Four Major Ways this Work is Executed





Public Protection & Advocacy Bureau

Description

Protecting students against predatory for-profit schools;

Ensuring that workers are paid the wages they are owed;

Combating discrimination by landlords and employers;

Keeping struggling homeowners in their homes through loan modifications; and

Fighting for consumers against scams and other deceptive business practices.

Divisions of the Public Protection & Advocacy Bureau

Civil Investigations

Consumer Protection

Fair Labor

Insurance and Financial Services

Civil Rights

CARD



Workers' Rights Presentation

Wage & Hour Laws

Earned Sick Time

Domestic Workers

AGO Resources



Minimum Wage

M.G.L. c. 151, §§ 1 & 2

Effective Date	Minimum Wage
January 1, 2020	\$12.75
January 1, 2021	\$13.50
January 1, 2022	\$14.25
January 1, 2023	\$15.00



Restaurant and Service Employees

- 2020- \$4.95/hr.
 - 2021- \$5.55/hr.
 - 2022- \$6.15/hr.
 - 2023- \$6.75/ hr.
-
- Applicable 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 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





Premium Pay

- **Most retailers that employ more than seven (7) workers, including the owner, are required to pay employees at least a premium rate on Sundays (see rates below). The higher rate does not need to be paid to bona fide executive, administrative and professional employees.**

Effective	Sunday Premium Pay
January 1, 2020	1.3x regular rate
January 1, 2021	1.2x regular rate
January 1, 2022	1.1x regular rate
January 1, 2023	eliminated

- **Voluntariness of employment**
Most retailers cannot require workers to work on Sunday, and an employer cannot punish or retaliate against a worker in any way for refusing to work on a Sunday.
- **Source:** <https://www.mass.gov/guides/working-on-sundays-and-holidays-blue-laws>



Working Time

- Required to be on duty or required to be on employer's premises, at a specific work site, or at any other location
- Work before and after the normal shift





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





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





Allowable Deductions

Required by Law

- Social Security, taxes, court-ordered deductions

Authorized by you for your sole benefit

- Health insurance, savings plan

Below minimum wage deductions restricted

- Lodging, meals

Examples of deductions not allowed:

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



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



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]



Unemployment Resource

Noncitizen workers who are authorized to work in the United States may apply for unemployment insurance benefits. Persons who are undocumented should not file for unemployment benefits.

- The Massachusetts Department of Unemployment Assistance: (<https://www.mass.gov/service-details/filing-for-unemployment-benefits-as-a-non-us-citizen>) to apply.
- Unemployment benefits do not count for Public Charge decisions



Be Aware!

COVID19 Unemployment Fraud

**Report Unemployment Fraud to the
Department of Unemployment Assistance -
[https://www.mass.gov/how-to/report-
unemployment-insurance-fraud](https://www.mass.gov/how-to/report-unemployment-insurance-fraud)**



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





Workers COVID19 Resources

For workers:

Under State law, workers are eligible for benefits from their employers, including earned sick time, regardless of their immigration status.

There is no immigration status requirement for workers to be eligible for the new COVID-19-related federal emergency paid sick leave and paid family leave benefits in the **Families First Coronavirus Response Act (FFCRA)**.

The new requirements for employers to provide those benefits are enforced by the U.S. Department of Labor's Wage and Hour Division, which does not ask workers about their immigration status.





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



What Can It Be Used For?

1. care for your child, spouse, parent, or parent of a spouse;
2. care 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; or
5. travel to and from the location related to the purpose for which the time was taken.



Domestic Workers Bill of Rights

- Effective April 1, 2015
- Gives additional protections to domestic workers
- Brings together various laws that are particularly important to domestic workers



Who is covered?

- Employees who do domestic work in others' households, such as housekeepers, nannies and other caretakers, and home companions
 - But not PCAs or casual, non-career babysitters
- Employer may be a household or a business
 - But not staffing, employment, or placement agencies



Domestic Workers' Rights

- Notice and information
 - A notice of rights under state and federal laws
 - A written agreement (16+ hours/week)
 - Timesheets every two weeks (16+ hours/week)
 - May request written evaluations
- Limits on deductions for food and lodging
- Days off (40+ hours/week)
- Privacy and freedom of communication
- Additional protections for live-in workers
 - Access to phone and Internet
 - Termination



Retaliation

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



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





Enforcement

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



Resources

Could your situation use mediation?

Mediation, a free and voluntary service offered by the Attorney General's Office, helps resolve matters between consumers and merchants outside of court.

The AGO supports over thirty regional local consumer and face to face mediation programs, which you may choose to contact.

To find their contact information:

A screenshot of the website for the Attorney General of Massachusetts, Maura Healey. The browser address bar shows "www.mass.gov/ago/". The page header includes "Mass.gov" and navigation links for "State Offices & Courts", "State A-Z Topics", and "State Forms". The main content area features the Attorney General's Office logo and the name "Attorney General Maura Healey". A navigation menu is visible, with "Consumer Resources" selected. A dropdown menu is open under "Consumer Resources", listing "Consumer Assistance", "Consumer Information", "Your Rights", and "NCPW". The "Consumer Assistance" dropdown is further expanded, showing "Consumer Assistance" with sub-items: "Consumer Complaint", "Mediation Services", "93A Demand Letter", and "Small Claims Court". A "File a Complaint" button is also visible at the bottom of the dropdown.

AGO Resources



Other Resources

Workers' Compensation

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

Occupational Safety and Health Administration- (OSHA)

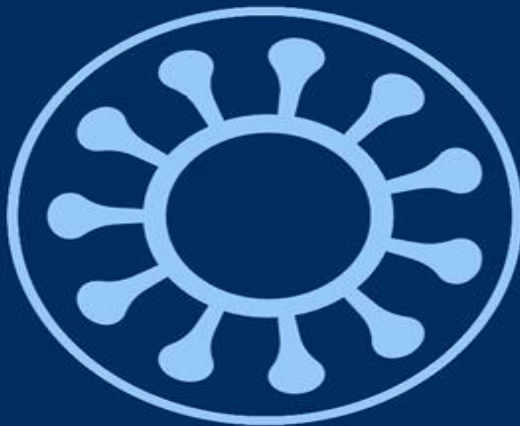
617-565-9860, www.osha.gov

Massachusetts Commission Against Discrimination

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



COVID-19



AGO Resource Page on COVID19:

<https://www.mass.gov/guides/resources-during-covid-19>

AGO Frontline Workers Resources:

<https://www.frontlinema.org/>



Contact Us

www.mass.gov/ago

617-727-8400



File a Complaint about an Unfair or Deceptive Trade Practice

617-727-8400

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



Resources

Have a Complaint or Question?

Questions About Wage & Hour Laws?

Visit mass.gov/ago/fairlabor

Call the Fair Labor Division Hotline: (617) 727-3465

Civil Rights Division (617) 727-2200

Attend a Wage Theft Clinic: mass.gov/ago/wageclinic

Specific Hotlines

HomeCorps (617) 573-5333

Elder Hotline (888) 243-5337

Medicaid Fraud Tipline (617) 963-2360

Insurance Fraud Tipline (617) 537- 5330

Insurance & Health Care Consumer Helpline (888) 830-6277