# FEDERAL WAGE AND LABOR LAW INSTITUTE

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## FAIR EMPLOYMENT LAW

The Fair Employment Law declares that it is illegal to discriminate on the basis of race, color, religious creed, national origin, sex, sexual orientation, genetic information, military service, age, ancestry or disability.

#### **IT IS UNLAWFUL:**

• to print or circulate any advertisement or use any application form which directly or indirectly specifies any limitation on the basis of race, color, religious creed, national origin, sex, sexual orientation, genetic information, military service, age, ancestrv or disability

• to discharge or refuse to hire any individual on the basis of their race, color, religious creed, national origin, sex, sexual orientation, genetic information, military service, age, ancestry, or disability.

• to discriminate against any individual in matters relating to compensation, terms, conditions, or privileges of employment because of their race, color, religious creed, national origin, sex, sexual orientation, genetic information, military service, age, ancestry or disability.

• to require a woman to leave her job at some arbitrary stage in her pregnancy or to refuse to let her return to work until a specified time set by the employer.

• to refuse to grant a female employee at least eight weeks leave for purposes of childbirth or to treat her absence differently than any other absence due to disability.

• to require an employee to remain at work during any day or part thereof that s/he observes as a religious holiday provided that the employee gives a ten-day notice and the absence does not cause undue hardship to the employer.

• to discharge or refuse to hire any person because of their failure to furnish information concerning admission to a center for the treatment of mentally ill persons.

• to discriminate against a job applicant for failure to furnish information, written or oral, concerning: A) an arrest, detention or disposition regarding a violation of law in which no conviction resulted; B) a first conviction for any of the following misdemeanors: driving under the influence, simple assault, speeding, minor traffic violations, disturbance of the peace; or C) conviction for a misdemeanor where the date of the conviction or end of period of incarceration, if any, occurred more than five years prior to the employment application, and the applicant has not been convicted of any offense within the five years immediately before the date of application.

#### RETALIATION

It is illegal to retaliate against any person because s/he has opposed any practices forbidden under this Chapter or because s/he has filed a complaint, testified, or assisted in any proceeding before the Commission. It is also illegal to aid, abet, incite, compel or coerce the doings of any of the acts forbidden under this Chapter or to attempt to do so.

#### SEXUAL HARASSMENT

151B:1,18 The term "sexual harassment" shall mean sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions: (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

#### COMPLAINTS

All complaints must be filed in writing. Information on the filing of complaints can be obtained by contacting the MASSACHU-SETTS COMMISSION AGAINST DISCRIMINATION at the following locations:

Boston office: One Ashburton Place Room 601 Boston, MA 02108 (617) 994-6000 VOICE (617) 994-6196 TTY

Springfield office: 436 Dwight Street Suite 220 Springfield, MA 01103 (413) 739-2145

THE MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION Section 7 of M.G.L. c151B MANDATES THE POSTING OF THIS NOTICE

### **NOTICE TO EMPLOYEES** (TO BE POSTED BY EMPLOYER)

The Commonwealth of Massachusetts DEPARTMENT OF INDUSTRIAL ACCIDENTS



### Information on Employees' Unemployment Insurance Coverage

**Employer name** 

Address

Employees of this business or organization are covered by Unemployment Insurance, a program financed entirely by Massachusetts employers. No deductions are made from your salary to cover the cost of your Unemployment Insurance benefits.

If you lose your job, you may be entitled to collect Unemployment Insurance. Outlined below is the information you need in order to file a claim for Unemployment Insurance benefits.



#### Before you file

Your employer will give you a copy of the pamphlet: How to File for Unemployment Insurance Benefits, supplied by the Massachusetts Division of Unemployment Assistance (DUA). On the front of the pamphlet is a space to write down your employer's DUA identification number. That number is shown at the top of this poster. Having the number will help in the filing of your claim.



#### You can file your claim in person

Unemployment Insurance Walk-In services are available at One-Stop Career Centers in communities throughout Massachusetts. Services include assistance with filing a new claim for Unemployment Insurance, reopening an existing claim, or resolving problems with your current claim.

Employer DUA ID#

For the address of the nearest UI Walk-In site, call 617-626-6560. After hearing the greeting, enter the number 331 on the keypad of a touch tone telephone. When you are asked to do so, enter the first five digits of your zip code. You will be given the address of the Walk-In Center nearest vou

You can also find the addresses of all Walk-In Centers in Massachusetts on the DUA web site at www.mass.gov/dua. Select "office locator" on the home page.



ботице.

#### You can file over the telephone

Unemployment Insurance services are also available by telephone. You can file a new claim for Unemployment Insurance, reopen a current claim, be interviewed if there are issues that affect your eligibility, obtain up-to-date information on the status of your claim and benefit payment check, and resolve problems - all by telephone.

When you call the TeleClaim Center, you will be asked to enter your social security number and the year you were born — using the numbers on a touch-tone telephone. You will be transferred to an agent who will take the information necessary to file your claim.

**Call the TeleClaim Center at Call the TeleClaim Center at** 1-877-626-6800 617-626-6800 if you are calling if you are calling from the following from any other area code. area codes: 351, 413, 508, 774, and 978 This poster includes important information on how to file a claim for Unemployment Insurance benefits.

Pancad sa ginyin infômacion ki impôtan o sigè dé ki gan pou Este cartaz incluí informação importante sobre como preencher uma reclamação para os beneficios de fè yon déman pou asirans pou moune ki pap travay yo seguranca dos desempregados Il presente poster include importante materiale informativo su come presentare domanda circa la ក្រដាសប្រកាសនេះមានរួមទាំងពិតមានប្រាប់លោកអ្នកនូវរបៀប riscossione di un premio assicurativo per Disoccupazione ដាក់ពាក្យសុំលុយនៅពេលលោកអ្នកអត់មានកិច្ចការធ្វើផងដែរ។ Bảng thông cáo này có nhiều tài liệu quan trọng về quyền

本海报包括如何建立失業保險 福利檔案的重要資訊。

lợi và trách nhiệm của bạn trong chương trình bảo hiểm cho người thất nghiệp. Hãy nhờ người dịch ra cho bạn. ກະດາດສຳຄັນອະທິບາ່ຍໃຫ້ທາ່ນໃຮຂໍ້ເງິນວ່າໆໆານ

Este cartel incluye información importante sobre cómo entablar un reclamo por beneficios de Seguro de Desempleo

Эта афиша содержит важную информацию о том, ка

к подать документы для получения пособия по безра

Important Massachusetts General Law, Chapter 151A, Section 62A requires that this notice be displayed at each site operated by an employer, in a conspicuous place, where it is accessible to all employees. It must include the name and mailing address of the employer and the identification number assigned to the employer by the Division of Unemployment Assistance.



Commonwealth of Massachusetts www.mass.gov/dua

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY 1-800-439-2370 - Voice 1-800-439-0183

Form 2553-A

600 Washington Street, Boston, Massachusetts 02111 (617) 727-4900 http://www.mass.gov/dia	persistent invit s or requests for dates or sex • staring or leering at a person • ridicule or hosti ity • sexua onal questions • unwanted touching • physical conta
As required by Massachusetts General Law, Chapter 152, Sections 21, 22 & 30, this will give you notice that I (we) have provided for payment to our injured employees under the above mentioned chapter by insuring with:	• showing leering at <b>EXUAL</b> In trivitations or requests for dates or sex • staring ual innuendoes • jokes • probing personal questions
NAME OF INSURANCE COMPANY	unwanted requests for at work jokes • pro does not ing lewd objects or pictures • persistent invitations of t a person • ridicule or hostility • sexual innuendoes d touching • physical contact • showing lewd objects
ADDRESS OF INSURANCE COMPANY	or picture baye to be to be to be to be the staring or learning at a person
POLICY NUMBER EFFECTIVE DATES	physical c tolerated. If you are being sexually harassed, report it requests for dates
NAME OF INSURANCE AGENT ADDRESS PHONE #	sonal ques <b>It's Illegal.</b> tent invitations of requests of a contact: tent invitations of requests of a contact invitation of the contact inv
EMPLOYER       ADDRESS         EMPLOYER'S WORKERS' COMPENSATION OFFICER (IF ANY)       DATE <b>MEDICAL TREATMENT</b> DATE         The above named insurer is required in cases of personal injuries arising out of and in the course of employment to furnish adequate and reasonable hospital and medical services in accordance with the provisions of the Workers'         Compensation Act. A copy of the First Report of Injury must be given to the injured employee. The employee may select his or her own physician. The reasonable cost of the services provided by the treating physician will be paid by the insurer, if the treatment is necessary and reasonably connected to the work related injury. In cases requiring hospital attention, employees are hereby notified that the insurer has arranged for such attention at the	Se You can file a complaint with the SI Massachusetts Commission Against Discrimination (MCAD). Visit or contact the If MCAD at one of the following locations: U One Ashburton Place Room 501 Te Boston, MA 02108 5pringfield, MA 01103 jc 617/722-6054 TTY or pictures • probing personal questions • unwanted touching • physical contact • physical co
NAME OF HOSPITAL ADDRESS	MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION FACT SHEET ON PARENTAL LEAVE
MINIMUM WAGE \$7.50 as of January 1, 2007 \$8.00 as of January 1, 2007 MGL, chapter 151, sections 1 and 2 Boston: (617) 727-3465 New Bedford: (508) 990-9700 OFFICE OF MASSACHUSETTS ATTORNEY GENERAL	Under federal and state law, certain employees may take an unpaid leave from work at the birth or adoption of a child. Federal and state law may also allow a pregnant woman who develops a serious health condition to take an unpaid leave of absence if her doctor certifies the need for such a leave. Parental Leave Massachusetts Maternity Leave Act, M.G.L. c. 149 §105D, allows a female employee to take up to 8 weeks of unpaid leave at (1) the birth of a child, (2) the adoption of a child unde 18 years old, or (3) the adoption of a person under 23 years old who is mentally or physically disabled.

WHO IS COVERED

 all employees except those being rehabilitated or trous institutions; members of religious orders; agri rkers; those in professional service, and outside sales ting to or visiting their office daily. For further information regarding the MA state wage, contact the Massachusetts Division of Occupational Safety at (617) 727-3452 **CHILD LABOR** 

Wait staff, service employees and service bartenders may be paid the service rate of \$2.63 per tour if they regularly receive tips of more than \$20 a month (\$30 under federal law), and if their verage hourly tips, when added to the service rate, are equal to or exceed the basic minimum

ployees may be paid \$1.60 per hour. M.G.L. chapter 151 section 2A. For more arding agricultural employees, contact the U.S. Department of Labor at (617) r visit www.dol.gov/esa/whd.

PAYMENT OF WAGES M.G.L. chapter 149, section 48 Wages (including tips) must be paid within the following time periods: • If employed for five or six days in a calendar week - within six days of the end of the pay ring which the wages were earned; oyed seven days in a calendar week - within seven days of the end of the pay peri-

yee who has worked for a period of less than five days (also known as a casual within seven days of the end of the period.

An employee who resigns his or her employment must be paid in full on the following regular pay day, or in the absence of a regular pay day, no later than the following Saturday. Ar employee involuntarily terminated from employment, or laid off, must be paid in full on the day of discharge

who are paid on an hourly basis must be paid weekly or bi-weekly. Employers may reements with employees to be paid in another manner.

Employers must give each employee a pay statement setting forth the name of employer, name of employee, date of check (including the day, month and year), number of hours worked dur-ing the pay period, hourly rate, and all deductions or increases made during the pay period. This statement must be provided with each payment of wages.

Deductions: No deduction, other than those required or allowed by law and those listed in -CMR 2.04(1)(a) and (b), shall be made from the basic minimum wage.

TIPS M.G.L. chapter 149, section 152A

ce bartender is prohibited.

Fotal proceeds of a tip or service charge contained in a bill must be remitted only to wait es or service bartenders in proportion to the service

Under no cir

### MEAL BREAKS

M.G.L. chapter 149, sections 100 & 101 who work a period of more than six hours are entitled to a 30-minute meal bree must be relieved of all duties during the meal break. Compensation for the al break must be paid if the employee has voluntarily agreed to waive his or her m 1) working through his or her meal break, or (2) agreeing to remain on premises of ng the meal break.

This law does not apply to; iron works, glass works, paper mills, letter ptions may be granted for other continuous processes in factories, workshops or mechan-tablishments, or under other special circumstances

ringfield: (413) 784-1128 Fair Labor and Business Practices Division, One Ashburton Place, Boston, MA 02108 (617) 727-2200, www.ago.state.ma.us (508) 792-7600 January 2007

M.G.L. chapter 149, sections 60 through 73

Information the permits are required for minors under age 18. Employment permits must be issued for and maintained at the site where the minor is working. Employment permits are result by the super tendent of schools in the city or town where the minor attends school or lives. For information on obtaining an employment permit, please contact the Division of Occupational Safety at (617) 727-345. and or visit www.mass.gov/dos.

TIME AND HOUR RESTRICTIONS\*

14-15 YEAR OLD MINORS 14-15 year old minors may NOT be employed: during school hours EXCEPT as provided in approved work experience and career exploration programs: and career exploration programs; between 7:00 p.m. and 7:00 a.m. EXCEPT from July 1 through Labor Day, when they may work until 9:00 p.m.; more than 3 hours per day during school weeks, not more than 8 hours

per day during weeks when school is not in session; more than 18 hours per week EXCEPT in approved work experience and

career exploration programs, in which case, they may work 23 hours; more than 40 hours per week when school is not in session;

more than 6 days per week

## REEFINITETIONS 16-17 YEAR OLD MINORS 16-17 Year Old minors may NOT be employed between 10:00 p.m. and 6:00 a.m. EXCEPT: when an establishment stops serving customers at 10:00 p.m., the minor may work until 10:15 p.m. on nights not preceding a regularly scheduled school day they may work until 11:30 p.m.; and in restaurants and race tracks, they may work until 12:00 a.m. on nights not preceding a track of they may work until 12:00 a.m. on nights not preceding a

16-17 Year Old minors may NOT be employed more than 9 hours per day;
more than 48 hours per week;
more than 6 days per week.

\*The Federal Fair Labor Standards Act, enforced by the U.S. Department of Labor, also restricts the employment of minors. This list combines the most restrictive of state and federal time and hour requirement HAZARDOUS OCCUPATION RESTRICTIONS\*\*

Minors 14-15 years of age are prohibited from certain occupations, industries, and tasks. For example, 14-15 year old minors may not work in or around manufacturing facilities or factories, mechanica

establishments where machinery is used, on construction sites, in garages or tunnels. Minors 16-17 years of age are prohibited from certain occupations, industries and tasks. For example they may not work in or around blast furnaces or anyplace where explosives are manufactured. All minors are prohibited from working any job requiring the possession or use of a firearm. \*\*This is not an exhaustive list. For a complete list of prohibited occupations for minors 14-15 and 16-17 years of age, please contact the Fair Labor and Business Practices Division of the Attorney General's Office at (617) 727-3465 and the U.S. Department of Labor at (617) 624-6700 or visit www.dol.gov.

SUPERVISION REQUIREMENTS

After 8:00 p.m., all minors must have the direct and immediate supervision of an adult supervisor who is located in the workplace and is reasonably accessible to the minor, unless the minor works at a kiosk, cart or stand in the common area of an enclosed shopping mall that has security from 8:00 p.m. until the mall is closed to the public.

455			
	OVERTIME M.G.L. chapter 151, section 1A Employees working more than 40 hours in any work week must be paid at least one and one-half times their regular hourly rate of pay. The overtime rate for employees who receive the service rate must be calculated based upon the basic minimum wage. Certain categories of employment are exempt from the state overtime requirement <sup>†</sup> , including:		
ser- staff l by heir eak. 30- neal lur-	<ul> <li>as a janitor or caretaker of residential property, who when furnished with living quarters is paid a wage of not less than thirty dollars per week</li> <li>as a golf caddy, newsboy or child actor or performer</li> <li>as a bona fide executive, administrator, professional person or a qualified trainee for such position earning more than eighty dollars per week</li> <li>as an outside salesman or outside buyer</li> <li>as a learner, apprentice or handicapped person under a special license</li> <li>as provided in section nine</li> <li>as a siterman or as a person employed in the catching or taking of any kind of fish, shellfish or other aquatic forms of animal and vegetable life</li> <li>as a witchboard operator in a public telephone exchange</li> <li>as a driver or helper on a truck with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service</li> <li>in a buisness which is operated during a period or accumulated periods not in excess of 120 days</li> </ul>	<ul> <li>as a seaman</li> <li>by a common carrier of passengers by motor-vehicle</li> <li>in a hotel, motel, motor court or like establishment</li> <li>in a pasoline station</li> <li>in a restaurant</li> <li>as a garageman, which term shall not include a parking lot attendant</li> <li>as a garageman, which term shall not include a parking lot attendant</li> <li>in a hospital, sanatorium, convalescent or nursing home, infirmary, rest home or charitable home for the aged</li> <li>in a non-profit school or college</li> <li>in a summer camp operated by a non-profit charitable corporation</li> <li>as a laborer engaged in agriculture and farming on a farm</li> <li>in a musement park containing a permanent aggregation of amusement devices, games, shows, and other attractions operated during a period or accumulated periods not in excess of one hundred and fifty days in any one year</li> </ul>	
- 101	in a year, and determined by the Director of the Department of Labor to be seasonal in nature	<i>†Note that some of these occupations may not be exempt under federal law.</i>	
nts,	RIGHT TO SUE Employees may institute a private suit and obtain back pay and, in some cases, triple damages, attorn	M.G.L. chapter 149, section 150 ey's fees and costs for violations of M.G.L. chapter 149, sections 33E, 148, 148A, 148B, 150C, 152,	

back pay and, in some cases, triple damages, attorney's



## CRIMINATION

Eligibility: To be eligible, the employee must have worked for the employer in a full-time position for at least 3 months or finished a probationary period (which cannot exceed 6 months), and the employer must employ at least 6 employees. The employee must give the employer 2 weeks notice of her departure date and notice that she intends to return to her job.

Job restoration: Under most circumstances, the employer must restore the employee to her job or to a reasonably similar position with the same status, pay, length of service credit and seniority.

Male employees: Because state and federal law prohibit sex discrimination in employment, male employees may have a right to take the same 8 weeks of leave a female employee is entitled to take at the adoption of a baby, and to take a certain amount of leave at the birth of a child.

The MCAD enforces the Massachusetts Maternity Leave Act. If you think your employer has violated this law, contact the MCAD.

Family & Medical Leave Act ("FMLA"), 29 U.S.C. § 2601, is a federal statute that allows eligible male and female employees to take up to 12 weeks of unpaid leave at the birth or adoption of a child.

Eligibility: To be eligible, your employer must have 50 or more employees: and you must have worked for your employer for 12 months and at least 1,250 hours in the prior year.

Job restoration: The employer ordinarily must restore you at the same or equivalent job when your FMLA leave ends.

The employer can require the employee to use paid leave, such as vacation time, personal leave, or sick leave, for parental leave taken under the FMLA.

For more detailed information on rights and obligations under the FMLA contact the U.S. Department of Labor, Wage & Hour Division.

#### **Pregnancy - Related Disability Leave**

If an employee develops a serious health condition during pregnancy, and her doctor certifies her need for leave, she may be able to take unpaid leave under the FMLA or she may be considered to be a "qualified handicapped person" entitled to a leave of absence as a reasonable accommodation. See MCAD Fact Sheet on Employment Discrimination on the Basis of Disability

You may be entitled to leave in addition to the (8) weeks as accommodation for a pregnancy-related disability.

#### Use of Paid Leave

The employer may restrict the use of paid sick leave to leave taken by a female employee at the birth of a child or leave taken because of a pregnancy-related health condition.

#### Employer's Parental Leave Policies Must Be Consistent with Other Leave Policies

• If the employer provides pay for all other leaves of absence, the employer must also provide pay for parental leave.

• If the employer provides pay for only medical leaves of absence, the employer must also provide pay for a pregnancy-related disability, but is not required to provide pay for leaves involving normal pregnancies, adoption by female employees, or leaves involving birth or adoption by male employees.

• If the employer provides pay for benefits, plans, or programs associated with other types of temporary disability, the employer must provide pay for benefits, plans or programs associated with birth-related parental leave taken by female employees.

	No meal break deduction may be taken where an employer has duly obtained an exemption. <b>REPORTING PAY</b> 455 C.M.R. 2.03 (1)	INSPECTION OF PAYROLL RECORDS Employees have a right to inspect their own payroll records at reasonable times and places. Such records must be kept for two years and must include: a true and accurate record of the name, address and occupation of the employee, of the amount paid each pay period and of the daily and weekly hours worked by the employee.		• Any employer policy or collective bargaining agreement that provides for greater or additional benefits than those required by law be followed.
	When an employee who is scheduled to work three or more hours reports for duty at the time set by the employer, and that employee is not provided with the expected hours of work, the employee shall be paid for at least three hours on such day at no less than the basic minimum wage. This provision shall not apply to organizations granted status as charitable organizations	NO RETALIATION M.G.L. chapter 149, section 148A; chapter 151, section 19 No employee shall be penalized by an employer or in any way discriminated against because he/she has made a complaint or otherwise sought to enforce rights under the wage and hour provisions of chapters 149 and 151.		Employees should consult their personnel officer, benefits officer, or union officer to receive the most current information about their employer's parental leave policies. If you believe you have been discriminated against, contact the MCAD immediately because, in most circumstances, you must file a charge at the MCAD within 300 days of the all discriminatory action.
1		WORKPLACE NOTICE: This workplace notice is issued in accordance with the provisions of Massachusetts General Laws M.G.L. c. 151, §16 and the Code of Massachusetts Regulations 455 C.M.R. §2.06(1), which require that employers post it in a conspicuous location.	TICE: This workplace notice is issued in accordance with the provisions of Massachusetts General Laws M.G.L. c. 151, §16 and the Code of Massachusetts Regulations 455	



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ALL-IN-ONE Labor Law Poster™

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