

Workplace Discrimination & Retaliation



Know your rights and how to enforce them

This provides general information. It is not legal advice about your specific situation. Speak with an attorney if you have questions about how this information applies to you.

In Massachusetts, your employer can't treat you differently because of a protected characteristic or because you engaged in a protected activity. That includes decisions about hiring, pay, promotions, discipline, and firing.

Protected characteristics include:

- Race, color, national origin, or ancestry
- Sex or gender (including pregnancy, childbirth, and related conditions)
- Gender identity or expression
- Sexual orientation
- Religion or creed
- Age (40 and older)
- Disability (physical or mental)
- Genetic information
- Military or veteran status

Protected activities include:

- Reporting discrimination or harassment
- Participating or testifying in a discrimination investigation or case
- Requesting an accommodation for a disability, pregnancy, or related condition

Q: Can my employer fire me for any reason?

Massachusetts is an "at-will" state. Your employer can fire you for any reason, or no reason, as long as the reason isn't illegal, such as discrimination or retaliation.

Q: Is it illegal for my coworkers to be hostile?

Not necessarily. Massachusetts has no general anti-bullying law. Rude or unfair treatment is illegal only if it's based on a protected characteristic and is severe or frequent enough to interfere with your work.

Enforcing your Rights

If you've experienced discrimination, harassment, or retaliation, you can file a complaint with the Massachusetts Commission Against Discrimination (MCAD). Intake interviews are free and confidential.

You must file within 300 days of the discriminatory act. After 300 days, you lose the right to file. Visit an MCAD office or call (617) 994-6000 to schedule an intake interview.

Walk-in intake is first-come, first-serve. Arrive between 8:45 a.m. and 2:00 p.m. The interview can take up to 2 hours, plus wait time.

MCAD Worcester

18 Chestnut Street
Room 520
Worcester, MA 01608

MCAD Springfield*

436 Dwight Street
Room 220
Springfield, MA 01103

**Allow extra time for building security, and bring a photo ID.*

Complaint Process

MCAD reviews your complaint and sends it to your employer, who responds with a "position statement." You'll get a copy and can file a rebuttal.

MCAD Investigation

An MCAD investigator will gather information to decide whether there's evidence of discrimination. Learn more at mass.gov/info-details/guide-to-the-mcad-case-process.

Other Employee Rights

Retaliation

Massachusetts law also prohibits retaliation for:

- Taking leave under PFML or FMLA
- Reporting safety violations or refusing unsafe work
- Filing wage complaints
- Engaging in union activities
- Serving on a jury

Earned Sick Time

You have the right to earn 1 hour of sick time for every 30 hours you work, up to 40 hours a year. You can use it for your own or a family member's illness, routine medical appointments, or effects of domestic violence. If your employer has 11 or more employees, the sick time must be paid; smaller employers may offer it unpaid. Report violations to the Attorney General's Office (AGO). After filing with the AGO, you can also bring a lawsuit in court (M.G.L. c. 149, § 148C).

Your Right to Be Paid in Full & On Time

You must be paid all wages due, including tips, earned vacation, promised holiday pay, overtime, and commissions, within 6 or 7 days after the pay period ends. If you're fired or laid off, you must be paid *in full* that day. If you're paid late, even by one day, you're entitled to three times the amount paid late. Report violations to the AGO. After filing with the AGO, you can take your case to court. (M.G.L. c. 149, §§ 148, 150).

Job Postings and Salary Ranges

Employers with 25 or more employees in Massachusetts must include a pay range in job postings and share pay range information with current employees who are offered a promotion or transfer. Report violations to the AGO (M.G.L. c. 149, § 105F).

Meal Breaks

If you work more than six hours in a day, you're entitled to at a 30 minute break from all duties. Report violations to the AGO (M.G.L. c. 149, § 100).

Personnel File Access

You have the right to review your personnel file and receive a copy within 5 business days of a written request, up to twice a year. Your employer must notify you within 10 days of adding negative information to your personnel file, and you can add a written response (M.G.L. c. 149, § 52C).

Payroll Records

Employers must keep accurate payroll records for at least 3 years, and you have the right to see your own payroll records (including your pay stubs) at reasonable times and places. Report violations to the AGO (M.G.L. c. 151, § 15).

Criminal Record (CORI) Reports

Before taking action against you based on your criminal record, such as not hiring or firing you, your employer must give you the report, its CORI policy, and information on correcting errors. Report violations to the Department of Criminal Justice Information Services (M.G.L. c. 6, §§ 171A, 172).

Discussing Wages and Working Conditions

Federal law protects most employees' rights to discuss wages, hours, and working conditions with coworkers. This is known as "concerted activity" and is covered by Section 7 of the National Labor Relations Act. Employers cannot fire, discipline, or threaten you for it. File an unfair labor practice charge with the National Labor Relations Board within 6 months of the violation.

Workplace Safety (OSHA)

You have the right to a safe workplace. If your employer violates safety standards, you can file a complaint with the Occupational Safety and Health Administration (OSHA). If your employer retaliates against you for raising a safety concern or filing a complaint, you have 30 days to file a retaliation complaint with OSHA.

Where to Get Legal Help

Massachusetts Legal Resource Finder

The Massachusetts Legal Resource Finder connects you with free or low-cost legal aid, court programs, and self-help materials. To see if you qualify for free legal assistance and to get matched with the right program based on your location, income, and legal issue, visit the **Massachusetts Legal Resource Finder** (masslrf.org).

Lawyer Referral Services



If you don't qualify for free legal assistance, a lawyer referral service can connect you with an attorney in your area. Some offer low-cost initial consultations. Depending on your case, some attorneys may also offer contingency fee representation, meaning you pay attorney's fees only if they recover money for you.

Statewide

(617) 654-0400 or (866) 627-7577
massbar.org/public/lawyer-referral-service

Central Massachusetts

Worcester County Bar Association
(508) 752-1311
worcestercountybar.org/lawyer-referral-service/

Western Massachusetts

Hampden County Bar Association
(413) 732-4648
hcbar.org/lawyer-referral/

Hampshire County Bar Association
(413) 586-8729
hampshirebar.org/lawyer-referral-service/

Greater Boston

Boston Bar Association
(617) 742-0625 or (800) 552-7046
bostonbar.org/lawyer-referral/

Essex County Bar Association
(978) 741-7888
essexcountybar.org/lawyer-referral-service/

Middlesex County Bar Association
(781) 939-2797
middlesexcountybar.org/lawyer-referral-service/

Norfolk County Bar Association
(617) 471-9693
norfolkbarassn.org/referral_service.php

Plymouth County Bar Association
(774) 257-4488
plymouthcountybar.com/lawyer-referral-service/

Other Resources

- Visit MassLegalHelp.org to get self-help legal information on employment and more.
- Mass Legal Answers Online: Eligible low-income Massachusetts residents can visit <https://mass.freelegalanswers.org/> to get answers to civil legal questions online from volunteer attorneys.



Community Legal Aid provides free civil legal services to low-income and elderly residents in Central and Western Massachusetts. We work to ensure fairness for all in the justice system, protecting homes, livelihoods, health, and families. Residents of Berkshire, Franklin, Hampden, Hampshire, or Worcester County can request legal assistance from us online at www.communitylegal.org or by calling 855-CLA-LEGAL.