



WORKER RIGHTS · MASSACHUSETTS

Know Your Rights in Massachusetts

What every hospitality worker should know, in plain language.
No legal jargon.

This guide is general information about Massachusetts employment law as of October 2026. It is not legal advice, and not a substitute for talking to a licensed attorney about your situation.

General information only — not legal advice.

As of October 2026 · Prepared by JYNX Recruiting · jynxrecruiting.com

Working in Massachusetts: The Basics

- Massachusetts is an at-will state (a common-law rule): either side can end the job at any time, for any reason that is not illegal.
- Chapter 151B makes it illegal to fire or refuse to hire you because of race, color, religious creed, national origin, ancestry, sex, pregnancy or pregnancy-related conditions, gender identity, sexual orientation, age (40+), disability, genetic information, or military service. It covers employers with 6 or more employees — a lower threshold than federal law.
- Retaliation is illegal: your employer may not punish you for filing a discrimination complaint, complaining about unpaid wages or other Wage Act violations, using earned sick time, or exercising pay-transparency rights.
- An employer may not refuse to hire or fire you because of pregnancy or a pregnancy-related condition, and you may request reasonable accommodations for pregnancy.

Your Paycheck

- Minimum wage: \$15.00 an hour. (Agricultural wage is \$8.00.) The \$15.00 rate, reached January 1, 2023, was the final scheduled step — no further increase is set without new legislation.
- Pay frequency: you must be paid weekly or every two weeks, within 6 days of the pay period's end (7 days if you work 7 days a week). Your employer must give 90 days' written notice before switching you from weekly to biweekly pay.
- Final paycheck — one of the strongest rules in the country: if you are fired, you must be paid in full on the day of discharge — every cent, that day. If you quit, you must be paid in full on the next regular payday (or the following Saturday if there is no regular payday). No contract can waive this.
- Pay slip: with each payment you must receive a slip showing the employer's name, your name, the date, hours worked, your hourly rate, and every deduction or increase.
- Deductions: an employer may not deduct unless the law allows it or you requested it for your own benefit. No deductions for the employer's ordinary business costs — supplies, materials, tools. If the employer requires a uniform, it must refund the actual cost to you. State regulations limit deductions for employer-provided meals and lodging. Federal law adds a floor: deductions for shortages, damage, or walk-outs may never cut your pay below the federal minimum wage or into overtime owed.

- Three-hour rule: if you are scheduled for 3 or more hours, report on time, and are not given the expected work, you must be paid for 3 hours at no less than the minimum wage.

Overtime: Read This If You Work in a Restaurant or Hotel

- Massachusetts overtime is 1.5× your regular rate after 40 hours in a week. There is no daily overtime — only weekly.
- The trap: the state overtime law exempts restaurant employees and hotel/motel employees entirely. If you work in hospitality, your overtime protection comes from the federal FLSA — which also requires 1.5× after 40 for most workers. You are very likely still owed overtime; it is just the federal law, not the state law, that owes it to you. If you are told “Massachusetts law doesn’t give you overtime,” that is the state law — ask about federal law.
- Sunday and holiday premium pay no longer exists. The old retail premium was fully eliminated on January 1, 2023. Sundays and holidays pay your regular rate — unless the hours push your week over 40, in which case overtime applies.
- Tipped workers’ overtime is calculated at 1.5× the \$15.00 basic minimum wage — not 1.5× the \$6.75 service rate.

Tips and Service Charges (The Tips Act)

If you earn more than \$20 a month in tips, your employer may pay the service rate of \$6.75 an hour and claim a tip credit of up to \$8.25 — under strict conditions:

- You must have been told about the tip credit in advance.
- The credit may not exceed the tips you actually received.
- The math is done at the end of every shift. If your \$6.75 plus tips for that shift doesn't reach \$15.00 an hour, your employer must make up the difference for that shift — not averaged over the week.
- Your tips are protected by statute (c. 149, §152A). No employer or any other person may demand, request, or accept any payment or deduction from your tip or service charge.
- Tip pools may pay out ONLY to wait staff employees, service employees, and service bartenders. Nobody else — and a shift supervisor with managerial responsibility is not “wait staff” and may not share. The employer may run the pool's bookkeeping but may not take a cut.
- Banquet and event service charges: if a patron is billed a “service charge,” 100% of it must go to wait staff, service employees, and service bartenders, in proportion to the service each provided. The house may not keep any of it.
- “House fees” / administrative fees: an employer may charge a separate fee only if it clearly tells the patron in writing that the fee is not a tip or service charge for the staff. If a fee is labeled a service charge, it belongs to the staff — the label controls.

- Tips and service charges must be paid to you by the end of the business day they were received (and no later than the regular wage-payment deadline).
- Violations: restitution with 12% annual interest, plus penalties; you or the Attorney General may sue within 3 years. This law cannot be waived by any contract.

Earned Sick Time

- Every Massachusetts worker earns sick time: 1 hour for every 30 hours worked, starting at hire, usable from your 90th calendar day.
- Paid or unpaid depends on size: employers with 11 or more employees (counting full-time, part-time, and temporary) must pay it; smaller employers must let you earn and use it unpaid.
- You may earn and use up to 40 hours per year; up to 40 hours carry over, but yearly use stays capped at 40.
- Paid sick time pays at your regular hourly rate — never below the minimum wage (so a service-rate worker's sick hour pays at least \$15.00).
- Uses: your own or a family member's illness, injury, or medical condition (family = child, spouse, parent, spouse's parent); routine medical appointments; addressing the effects of domestic violence; and — added November 21, 2024 — pregnancy loss or a failed assisted reproduction, adoption, or surrogacy affecting you or your spouse.
- Your employer may require certification only for an absence covering more than 24 consecutive scheduled work hours, and may never demand details of the illness or the domestic-violence circumstances.

- Unused earned sick time is NOT paid out when you leave. (Contrast Section 7: promised vacation IS.)
- The Attorney General enforces this law; using your sick time can never be held against you.

Paid Family and Medical Leave (PFML)

- Massachusetts runs a state paid leave program (Department of Family and Medical Leave). In each benefit year you may take: up to 20 weeks of paid medical leave for your own serious health condition; up to 12 weeks of paid family leave to bond with a child or care for a family member; up to 26 weeks to care for a covered servicemember — with a 26-week total cap across all types.
- There is a 7-day waiting period before benefits start (waived when childbirth medical leave flows straight into bonding leave).
- Benefits replace most of your wages on a two-tier formula; the 2026 maximum weekly benefit is \$1,230.39. The maximum announced for 2027 is \$1,284.61.
- The program is funded by payroll contributions (2026: 0.88% of eligible wages at employers with 25+ covered individuals; 0.46% below that, with the split between employer and employee set by law and the contribution capped at the Social Security wage cap). You will see this deduction on your pay slip — it is lawful and required.
- You must meet the program's earnings test to qualify; DFML decides eligibility when you apply.

Vacation, Parental Leave, and Breaks

- **Vacation:** Massachusetts does not require employers to offer vacation. But promised vacation is wages by law. If you earned vacation under any oral or written agreement, it must be paid out when you leave — on the same deadlines as your final paycheck (day of discharge if fired; next regular payday if you quit). “Use it or lose it” cannot erase vacation already earned and due under the agreement.
- **Parental leave:** employers with 6 or more employees must give 8 weeks of unpaid leave for the birth of a child or an adoption placement, to any new parent. If both parents work for the same employer, they share 8 weeks in total. Enforced by the MCAD (complaint within 300 days).
- **Meal break:** if you work 6 hours in a calendar day, you are entitled to at least a 30-minute meal break, relieved of all duties and free to leave the workplace. If you are kept on premises or work through it at the employer’s request, that time must be paid.
- **Rest breaks:** Massachusetts law does not require them. The meal break is the only break the state mandates.

Workers Under 18

- You need a youth work permit before starting every new job (issued through your school superintendent); your employer keeps it on file. Under 14: no work, with narrow exceptions (news carriers, farm work, entertainment by special permit).
- Alcohol: no one under 18 may handle, serve, or sell alcoholic beverages. You must be 18 or older to serve alcohol in Massachusetts.
- Ages 14–15: only 7:00 AM–7:00 PM in the school year (to 9:00 PM July 1–Labor Day); never during school hours; max 18 hours a week and 3 hours a day on school days (8/40 when school is out).
- Ages 16–17: max 48 hours a week, 9 hours a day, 6 days a week; until 10:00 PM before school days (10:15 if the establishment closes to customers at 10), 11:30 PM before non-school days — restaurants may keep you until midnight before non-school days. After 8:00 PM you must work under the direct supervision of an adult present in the workplace.
- A long list of hazardous jobs is barred under 18 (meat slicers and grinders, bakery machines, roofing, saws, hoisting equipment, and more). All wage laws — minimum wage, overtime, sick time, meal breaks — apply to minors too. Child-labor complaints: Attorney General's Fair Labor Division, (617) 727-3465.

Non-Competes: Strict Rules, and Hourly Workers Are Exempt

- Massachusetts regulates non-competes by statute (c. 149, §24L). To be enforceable at all, an agreement must: be in writing, signed by both sides, and state your right to consult a lawyer before signing; be given to you by the earlier of a formal offer or 10 business days before you start (if signed later, it needs fresh consideration beyond keeping your job, plus 10 business days' notice); protect only trade secrets, confidential information, or goodwill; and be supported by a garden-leave clause paying at least 50% of your highest base salary from the prior 2 years for the whole restriction period — or other specified, mutually agreed consideration. The employer may not stop garden-leave payments unless you breach.
- Duration cap: 12 months (up to 2 years only if you breached a fiduciary duty or unlawfully took employer property). Geography and scope are presumptively reasonable only if limited to where you actually worked and what you actually did in your last 2 years.
- A non-compete is NEVER enforceable against: employees who are nonexempt under the FLSA — that means most hourly hospitality workers; students in internships or short-term student jobs; anyone terminated without cause or laid off; and anyone 18 or younger.

- The statute does not restrict non-solicitation clauses, NDAs, invention assignments, or separation agreements (which carry a 7-business-day right to rescind). An out-of-state choice-of-law clause cannot strip a Massachusetts worker of §24L's protections, and a court may trim an overbroad agreement instead of voiding it — so even a flawed agreement deserves a lawyer's look before you rely on it being dead.

Pay Transparency and Salary History

- Salary history (Massachusetts Equal Pay Act): an employer may not ask about or seek your salary or wage history before making you an offer that includes compensation. Narrow exceptions: confirming history you volunteered, and checking after an offer with pay is on the table. You also have the right to discuss and disclose wages with coworkers — an employer may not prohibit it or retaliate for it. Claims run 3 years; liability is double the unpaid wages plus fees. (An employer that has done a good-faith pay-equity self-evaluation in the prior 3 years and made reasonable progress has a complete defense — that defense is the employer's burden, not yours to disprove.)
- Pay ranges (Frances Perkins Workplace Equity Act, in effect now): since October 29, 2025, employers with 25 or more Massachusetts employees must put the pay range in every job posting, give it when offering a promotion or transfer, and give it to any applicant or employee who asks. Retaliation for using these rights is prohibited. Penalties escalate from a warning to \$500, then \$1,000, then §27C fines — and through October 29, 2027, employers get 2 business days to cure a defect after notice from the Attorney General.

- Wage data: employers with 100 or more employees that file federal EEO reports must also file a copy with the Secretary of the Commonwealth (EEO-1 annually by February 1). This is a re-filing of reports they already produce — no new data.

Unions

- Massachusetts is not a right-to-work state. State law expressly permits agreements requiring union membership as a condition of employment.

What Massachusetts Does NOT Require

- No vacation or PTO mandate (but promised vacation is wages — Section 7).
- No holiday pay for holidays not worked, and no premium pay for Sundays or holidays (gone since January 1, 2023).
- No rest breaks — only the 30-minute meal break at 6 hours.
- No daily overtime — weekly over-40 only.
- No state overtime coverage for restaurant and hotel workers — federal FLSA only (Section 3).
- No payout of unused earned sick time at separation.
- No further minimum-wage increases scheduled — \$15.00 stands until the legislature acts.

If Your Rights Were Violated

- Wages, tips, sick time, child labor: Attorney General's Fair Labor Division. File a workplace complaint at mass.gov/ago/wagecomplaint; Fair Labor Hotline (617) 727-3465.
- Then you may sue: 90 days after filing with the AG (or sooner with the AG's written OK), and within 3 years of the violation — the clock pauses while your AG complaint is pending. Win, and damages are tripled by law (mandatory treble damages), plus your costs and attorney fees. This covers Wage Act and Tips Act violations.
- Discrimination: MCAD within 300 days (Massachusetts Commission Against Discrimination), and the EEOC deadline is also 300 days in Massachusetts. Do not assume the shorter 180-day federal default — but do not sit on it either.
- Safety: federal OSHA. Massachusetts' state plan covers only state and local government workers; private-sector safety complaints go to federal OSHA.
- Retaliation is illegal across all of these rights — wage complaints, sick time, discrimination charges, and pay-transparency requests.

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