



# Human Resources Legal Fact Sheet: Massachusetts

Updated June 2020

*Disclaimer: This fact sheet summarizes state laws and regulations on a variety of human resource issues for dairy farms, including wages, paystubs, deductions, child labor, and more. It is not intended to provide legal advice. The fact sheet is simply an overview of select issues with a high-level explanation of key requirements for each one, with links to more information and resources throughout the document. This fact sheet does not include all legal requirements for dairies. It was created in October 2020, and while it will be periodically updated, it may not reflect the current state of the law on every topic covered. Dairies should also review the federal fact sheet because employers—depending on size—may be required to comply with some or all of the applicable federal laws and regulations as well. By using this fact sheet you understand that there is no attorney-client relationship between you and the attorneys who were involved in developing the fact sheet. This fact sheet should not be used as a substitute for competent legal advice from a licensed attorney.*

## Are there Massachusetts state laws for dairy farms about the following?

### Hiring

Topic	Answer	Summary
Notice of Payday / Pay Rate <sup>1</sup>	<b>NO</b>	Massachusetts law does not require employers give employees notice of the regular pay day or pay rate. However, employers are required to conspicuously post a workplace notice containing the minimum wage and related regulations in English and any other language (1) spoken by 5% or more of the workforce; and (2) for which a translated notice is available from the state.
Reporting <sup>2</sup>	<b>YES</b>	<a href="#">New hires</a> and rehires must be reported to the Massachusetts Department of Revenue within 14 days.

### Wages

Topic	Answer	Summary
Payday <sup>3</sup>	<b>YES</b>	Generally, employers must pay <a href="#">employees weekly or bi-weekly</a> . Specifically, following the pay period, payment of wages must be made within: <ul style="list-style-type: none"> <li>• 6 days of the end of the pay period if the employee was employed 5 or 6 days in a calendar week;</li> <li>• 7 days of the end of the pay period if the employee was employed 7 days in the calendar week; or</li> <li>• 7 days of the end of the pay period if the employee was employed for fewer than 5 days in the calendar week.</li> </ul> <p>However, employees engaged in agricultural work are permitted to be paid their wages on a monthly basis.</p>
Final Pay <sup>4</sup>	<b>YES</b>	An employee leaving his or her employment voluntarily must be paid his or her full wages on either: <ul style="list-style-type: none"> <li>• The following regular payday; or</li> <li>• In the absence of a regular payday, the following Saturday.</li> </ul> <p>An employee who is involuntarily discharged from employment must be paid all wages owed on the day of his or her discharge.</p>
Overtime <sup>5</sup>	<b>NO</b>	Laborers engaged in agriculture or farming are exempt from Massachusetts overtime compensation, but federal rules may apply. Refer to the federal fact sheet.
Minimum Wage <sup>6</sup>	<b>YES</b>	Agricultural and farm workers must earn at least <a href="#">\$8.00 per hour</a> (minimum wage is otherwise <a href="#">\$12.75 per hour</a> ). The only exception to this rule is payment of wages to



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		<p>children 17 and under, or the parent, spouse, children or other member's of the employer's immediate family.</p> <p>Massachusetts requires that the state minimum wage will always be at least \$.50 above the federal minimum wage.</p>
Hours Worked <sup>7</sup>	YES	<p>Massachusetts <a href="#">defines "working time"</a> as all time during which an employee is required to be on the employer's premises or on duty, or at the prescribed work site or any other location, and any time worked before or after the end of the normal shift to complete the work.</p> <p>It does not include meal times during which an employee is relieved of all work-related duties, but does include rest periods of 20 minutes or less.</p> <p>In Massachusetts, hours worked includes:</p> <ul style="list-style-type: none"> <li>• Travel time to (1) report to a site other than the regular work site for the convenience of the employer; (2) required travel during the day; or (3) required travel that keeps the employee away overnight;</li> <li>• On-call time unless (1) the employee is not required to be at the work site or another location; and (2) is effectively allowed to use the time for his/her own purposes;</li> <li>• Any time the employee is required to be on duty at the work site for less than 24 hours even if the employee is permitted to sleep or engage in other personal activities when not busy;</li> <li>• Any time the employee is required to be on duty at the work site for 24 hours or more unless the employer and employee agree in writing beforehand to exclude meal and sleeping periods of not more than 8 hours provided adequate sleeping quarters are provided and the employee can enjoy uninterrupted sleep; and</li> </ul> <p>Time as established by a reasonable written agreement between the employer and employee if an employee resides on an employer's premises on a permanent basis or for extended periods of time. But the employee must be compensated for all time performing job duties and for on-call time as stated above.</p>
Reporting Time Pay <sup>8</sup>	YES	<p>Employees must be paid for at <a href="#">least three hours of work</a> at no less than the required minimum wage, even if they are not provided with the expected three hours of work, if they:</p> <ul style="list-style-type: none"> <li>• are scheduled to work at least three hours; and</li> <li>• report to duty at the time set by the employer.</li> </ul>
Pay Stub <sup>9</sup>	YES	<p>When paying wages to employees, employers must <a href="#">provide a statement</a> with their pay showing:</p> <ul style="list-style-type: none"> <li>• Name of employer;</li> <li>• Name of employee;</li> <li>• Date of payment (day, month, and year);</li> <li>• Number of hours worked;</li> <li>• Hourly rate; and</li> <li>• Amount of deductions or increases made in pay period.</li> </ul>



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<p>Taxes and Withholding<sup>10</sup></p>	<p><b>YES</b></p>	<p>Employers must withhold <a href="#">Massachusetts income taxes</a>. Employers must give their employees a statement of taxes withheld, like a federal Form W-2, 1099-MISC or 1099-R. <a href="#">More details</a>.</p> <p>Employers must pay <a href="#">Massachusetts Unemployment Insurance</a> taxes if:</p> <ul style="list-style-type: none"> <li>You paid total cash wages to farm workers of \$40,000 or more in any calendar quarter in the current or prior calendar year; OR,</li> <li>You employed 10 or more farm workers for some part of a day in 20 or more weeks of the current or prior calendar year.</li> </ul> <p>Certain family employment is excluded from coverage requirements (children under 18 working for a parent, an individual working for a spouse, or parent working for a son or daughter). Unemployment benefits come from employer contributions; employees do not pay for the cost of unemployment benefits. You can credit the amount you pay to Massachusetts in calculating how much you owe for federal unemployment taxes. <a href="#">More details</a>.</p>
<p>Deductions and Allowances<sup>11</sup></p>	<p><b>YES</b></p>	<p>Deductions can be made to an employee's paycheck for:</p> <ul style="list-style-type: none"> <li>Social Security;</li> <li>Unemployment benefits;</li> <li>Vacation, pension, or health and welfare funds;</li> <li>State taxes;</li> <li>Federal taxes;</li> <li>Dues check-off;</li> <li>Credit unions; and</li> <li>Provided meals as long as the deduction does not bring the employee to less than minimum wage for hours worked in a workweek. A deduction for meals cannot exceed: \$1.50 for breakfast, \$2.25 for lunch, and \$2.25 for dinner.</li> </ul> <p>Pursuant to a written acceptance from the employee, weekly deductions can be made for decent and sanitary lodging (including heat, potable water, and light) not to exceed \$35.00 for a room occupied by 1 person, \$30.00 for a room occupied by 2 people, or \$25.00 for a room occupied by 3 or more people.</p> <p>Employers must notify employees of any deduction from the employee's paycheck.</p> <p>Employers are prohibited from deducting from employee pay for:</p> <ul style="list-style-type: none"> <li>Workers' Compensation;</li> <li>Other insurance procured for the benefit of the employer; and</li> <li>Franchise fees.</li> </ul>
<p>Bonuses<sup>12</sup></p>	<p><b>NO / YES</b></p>	<p>The definition for wages provided in Massachusetts law does not specifically include bonuses in the definition of wages. But Massachusetts courts have considered the question of whether bonuses are considered wages. Generally, discretionary bonuses or bonuses contingent on some outcome are not considered wages, while nondiscretionary bonuses paid under an agreement are likely to be considered</p>



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		<p>wages because they are comparable to other specifically referenced forms of compensation and protected under wage law.</p> <p>Employers should follow any written policy they have about paying bonuses as a best practice.</p> <p>A nondiscretionary bonus is one where the amount and criteria for getting the bonus are announced in advance. For example, performance goals (like meeting somatic cell count goals). Discretionary bonuses are ones that are generally not expected by the employee – the employer has discretion as to whether the employee receives a bonus and the amount of the bonus received. For example, when the farm reaches a certain financial goal and decides to give all employees a bonus.</p>
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### Recordkeeping

Topic	Answer	Summary
Payroll <sup>13</sup>	<b>YES</b>	<p>Payroll records must include the following information for each employee:</p> <ul style="list-style-type: none"> <li>• Name;</li> <li>• Home address;</li> <li>• Social Security Number;</li> <li>• Job/Occupation;</li> <li>• Amount paid each pay period;</li> <li>• Hours worked (each day and week);</li> <li>• Rate of pay including vacation pay;</li> <li>• Wage deductions; and</li> <li>• Dates employee worked each week.</li> </ul> <p>Employers must maintain <a href="#">payroll records for 3 years</a>.</p>
Personnel File – Employee Access <sup>14</sup>	<b>YES</b>	<p>Upon written request, employers that maintain personnel records must allow employees or former employees to review their personnel records or make copies of the documents in their personnel records within 5 business days of receiving the employee’s request. Employers can charge an employee the cost of making a copy of his/her personnel record.</p> <p>Employers are required to make the contents of employees’ personnel records available no more than 2 times per calendar year and if an employee requests it after notification that potentially negative information has been placed in the personnel record. Employers must notify an employee within 10 days of the employer placing any information in the employee’s personnel file to the extent it is, has been, or may be used to negatively affect the employee’s qualification for employment or a change in the terms and conditions of employment.</p> <p>If there is disagreement with information contained in the personnel record, the employer and employee can mutually decide to remove or correct that information. If mutual agreement is not reached, the employee can submit a written statement of disagreement that must be included in the personnel record.</p>



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		Employers with 20 or more employees are required to retain the complete personnel record of an employee without deletions or removal of information (except by mutual agreement) for 3 years after termination of employment.
Unemployment Insurance <sup>15</sup>	YES	<p>Employers subject to paying unemployment taxes must submit <a href="#">quarterly wage reports</a>.</p> <p>For Unemployment Insurance, Massachusetts law requires that employers keep sufficient records to:</p> <ul style="list-style-type: none"> <li>• To enable it to prepare accurate reports with respect to its employment as may be required by the Commissioner;</li> <li>• To enable the Commissioner to verify any report submitted by the employing unit; and</li> <li>• To make it possible by an inspection thereof to determine with respect to each worker: <ul style="list-style-type: none"> <li>○ Wages earned by calendar weeks.</li> <li>○ Whether any week was in fact a week of less than full-time work.</li> <li>○ Time lost, if any, by such worker due to his unavailability for work, or inability to work.</li> </ul> </li> </ul> <p>Payrolls, working sheets and other records from which information is assembled for the preparation of quarterly reports and the duplicate of those reports filed with the Department shall be preserved for a period of 4 years from the date on which the report was filed.</p>
Workers' Compensation <sup>16</sup>	YES	Employers must maintain a copy of the First Report of Injury/Fatality form provided to the Department of Industrial Accidents. Additionally, there are recordkeeping requirements under OSHA.
OSHA	YES	Employers must comply with the federal OSHA recordkeeping standard. See the federal fact sheet for details.
Federal	YES	There are numerous federal rules about recordkeeping. Employers should review the federal fact sheet.

### Working Conditions

Topic	Answer	Summary
Bathrooms <sup>17</sup>	YES	Massachusetts has generally incorporated the federal Pasteurized Milk Ordinance (PMO). The PMO rules specify that dairy farms have one or more toilets that are conveniently located, properly constructed, properly operated, and maintained in a sanitary manner.
Working Hours <sup>18</sup>	NO	Massachusetts law does not limit hours or working days for adults performing farm service (there are restrictions on retail). Employers should review the federal fact sheet.
Rest and Meal Breaks <sup>19</sup>	YES	Employers must provide employees who work at least six hours in a day with a meal period that is at least 30 minutes long. Meal breaks may be unpaid as long as the employee is completely relieved of responsibilities during the break.
Labor Relations <sup>20</sup>	YES	Massachusetts law does recognize farm worker rights to organize. The law allows agricultural employees to organize and requires the Labor Commission, when designating an appropriate unit, to designate an employer unit. The law applies



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		only to an employer engaged in agriculture with a permanent workforce of more than 4 agricultural workers who are not members of his/her family.
Whistleblower Protection <sup>21</sup>	YES	Massachusetts law prohibits employers from retaliating against employees for reporting violations of law or risks to public health, safety, or the environment, or participates in an investigation or hearing on the same. Employers also cannot take an adverse employment action against an employee who refuses to participate in any activity, policy or practice, that the employee reasonably believes violates the law or poses a risk to public health, safety, or the environment.
Paid Sick and Vacation Leave <sup>22</sup>	YES	<p>Employers must provide a minimum of 1 hour of <a href="#">earned sick time</a> for every 30 hours an employee works. Employees are entitled to earn and use up to 40 hours of sick time per calendar year. Employees must be permitted to use their accrued leave time beginning 90 days from the start of their employment for the following purposes:</p> <ul style="list-style-type: none"> <li>• To care for themselves or their child, spouse, parent, or spouse’s parent if they are suffering from a physical or mental illness, injury, or medical condition that requires: <ul style="list-style-type: none"> <li>○ Home care;</li> <li>○ Professional medical diagnosis or care; or</li> <li>○ Preventative medical care.</li> </ul> </li> <li>• Attend their own routine medical appointments or those of their child, spouse, parent or spouse’s parent; or</li> <li>• Address the physical, legal, or psychological effects of domestic violence.</li> </ul> <p>Employees may carry over up to 40 hours of unused earned sick time to the next calendar year, but are not entitled to use more than 40 hours within any single calendar year.</p> <p>Massachusetts treats earned vacation leave as wages. If employers offer paid vacation leave, they must pay employees any earned, but unused, vacation leave upon termination.</p>
Breaks for Nursing Mothers <sup>23</sup>	YES	Employers must make reasonable <a href="#">accommodations for conditions related to pregnancy</a> , including lactation or the need to express breast milk, unless the accommodation would impose an undue hardship on the employer. Reasonable accommodations include paid or unpaid breaks and private, non-bathroom space for the purpose of expressing breast milk.
Pregnancy Accommodations and Leave <sup>24</sup>	YES	Massachusetts law requires employers to make <a href="#">reasonable accommodations for conditions related to pregnancy</a> , unless the accommodation would impose an undue hardship on the employer. In addition to breaks for expressing breast milk, accommodations may include: <ul style="list-style-type: none"> <li>• Acquisition or modification of equipment or seating;</li> <li>• Temporary transfer to a less strenuous or hazardous position;</li> <li>• Job restructuring;</li> <li>• Light duty;</li> <li>• Assistance with manual labor; or</li> <li>• Modified work schedule.</li> </ul>



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		<p>An undue hardship is an action requiring significant difficulty or expense and is determined by evaluating the nature and cost of the accommodation, overall financial resources of the employer, overall size of the business, and the effect on expenses and resources of the business. The employer must engage in a timely, good faith, interactive process and may request documentation from an employee about the need for accommodation, unless the employee is seeking use of a private, non-bathroom space for the purpose of expressing breast milk.</p> <p>Employers are required to provide notice of the right to be free from discrimination and the right to accommodation related to pregnancy, lactation, or the need to express breast milk upon the commencement of the employee’s employment or when an employee notifies the employer that she is pregnant or of a condition related to pregnancy, like the need to express breast milk, within 10 days of the notification.</p>
<p>Family and Medical Leave<sup>25</sup></p>	<p><b>YES</b></p>	<p>Employers with 6 or more employees must permit up to 8 weeks of unpaid leave for:</p> <ul style="list-style-type: none"> <li>• The birth of a child; or</li> <li>• Placement of a child with the employee who is adopting or intending to adopt the child, if the child is under the age of 18 or under the age of 23 and mentally or physically disabled.</li> </ul> <p>If both parents work for the same employer, they are entitled to only an aggregate leave time of 8 weeks. This leave can run concurrently with federal Family and Medical Leave. Refer to the federal fact sheet.</p> <p>Starting <a href="#">January 1, 2021</a>, employees of employers with one or more employees will be entitled to paid family and medical leave for most qualifying events:</p> <ul style="list-style-type: none"> <li>• Bonding with a child or newborn;</li> <li>• Service-member related events; and</li> <li>• Dealing with a personal health condition.</li> </ul> <p>As or July 1, 2021, employees will also be entitled to paid leave to care for a family member with a serious health condition. Employees may take up to 20 weeks per benefit year for medical leave, up to 12 weeks per benefit year for family leave, and up to 26 weeks per benefit year for family leave arising from a covered service member’s call to active duty. The maximum amount of combined family and medical leave is capped at 26 weeks per benefit year.</p> <p>Employees will receive pay during a leave period based on a percentage of their earnings from a state fund financed by a combination of employer and employee contributions. Employers with less than 25 employees must submit contributions on behalf of their workers but are not required to pay the employer portion of the contributions. <a href="#">More information</a>.</p>



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<p>Military and other Service Leave<sup>26</sup></p>	<p><b>YES</b></p>	<p>All employees ordered to active duty who are members of the armed forces, including the Massachusetts State Defense Force or similar organization, and state staff or armed forces of another state or territory who are employed within Massachusetts, can take leave in accordance with the Uniformed Services Employment and Reemployment Rights Act. Refer to the federal fact sheet.</p> <p>Employees who are veterans or members of a department of war veterans are entitled to enough time to participate in Veterans Day or Memorial Day events in their respective residential community.</p> <p>Any employee who is a volunteer in the fire department or ambulance department is entitled to leave to respond to an emergency.</p>
<p>Crime Victim and Witness Leave<sup>27</sup></p>	<p><b>YES</b></p>	<p>Any employee who is a victim or witness to a crime or subpoenaed to testify in a criminal proceeding is entitled leave to attend court in a criminal proceeding.</p> <p>Employers with 50 or more employees must provide up to 15 days of leave in any 12-month period to an employee who is a victim of abusive behavior or whose family member is a victim of abusive behavior (as long as the employee is not the abuser) to:</p> <ul style="list-style-type: none"> <li>• Seek or obtain counseling, victim services, medical attention, or legal assistance;</li> <li>• Secure housing;</li> <li>• Obtain a protective order from a court;</li> <li>• Appear before a grand jury or in court;</li> <li>• Meet with law enforcement;</li> <li>• Attend child custody proceedings; or</li> <li>• Address other issues directly related to the abusive behavior against the employee or family member.</li> </ul>
<p>Jury Duty Leave<sup>28</sup></p>	<p><b>YES</b></p>	<p>Employees must be permitted the time necessary to attend a judicial proceeding in response to a summons for jury duty.</p>
<p>Voting Leave<sup>29</sup></p>	<p><b>YES</b></p>	<p>By request, an employee is entitled to leave during the two hours after the opening of the polls in the voting precinct, ward, or town where he or she is entitled to vote.</p>
<p>School Activity Leave<sup>30</sup></p>	<p><b>YES</b></p>	<p>Employers with 50 or more employees must provide up to 24 hours of leave during any 12-month period to:</p> <ul style="list-style-type: none"> <li>• Participate in school activities directly related to the educational advancement of his child, including parent-teacher conferences or interviewing for a new school.</li> <li>• Accompany his child to routine medical or dental appointments, including check-ups or vaccinations.</li> <li>• Accompany an elderly relative to routine medical, dental, or other appointments related the relative's care, including interviewing at nursing or group homes.</li> </ul>

### Human Rights

Topic	Answer	Summary
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<p>Employment Discrimination<sup>31</sup></p>	<p><b>YES</b></p>	<p>Massachusetts law <a href="#">prohibits employment discrimination</a> based on race, color, religious creed, age, sex, status of pregnancy or related conditions, gender identity, sexual orientation, national origin, ancestry, genetic information, handicap (disability/medical marijuana use related to a disability), military or veteran status, marital status, or criminal record (inquiries only). Applies to employers with 6 or more employees.</p> <p>Employment discrimination means discrimination in hiring (including during interviews), promotion, firing, pay, and other terms and conditions of employment.</p> <p>For employers with less than 6 employees, the Massachusetts Civil Rights Act prohibits any threat to an employee’s ability to exercise any rights protected under Massachusetts and federal law. This effectively prohibits discrimination based on race, color, religious creed, national origin, sex, age, sexual orientation, ancestry, genetic information, handicap (disability), gender identity, pregnancy, and military or veteran status.</p> <p>Employers are prohibited from discriminating in the amount or rate of pay based solely on sex.</p> <p>It is illegal to retaliate against employees for filing or otherwise aiding with a complaint or investigation.</p>
<p>Harassment / Sexual Harassment<sup>32</sup></p>	<p><b>YES</b></p>	<p>Harassment is generally considered a type of employment discrimination. Harassment is unwelcome conduct. It becomes illegal when (1) employees have no choice but to tolerate the harassment if they want to keep their job; (2) it is so severe that a regular person would see it as intimidating, hostile, or abusive. Massachusetts law prohibits harassment based on the protected classes identified in the previous section.</p> <p><a href="#">Sexual harassment</a> includes unwelcome sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature when:</p> <ul style="list-style-type: none"> <li>• Engaging in such conduct is made an implicit or explicit term or condition of employment. Example: A newly hired milker is told that sexual jokes, touching and nude posters are just part of farm life and she should try to ignore it.</li> <li>• Acceptance or rejection of such conduct is made implicitly or explicitly the basis for an employment decision affecting an employee. Example: A manager tells a worker applying for a promotion that the job would be his if he just “treated her right.”</li> <li>• The conduct unreasonably interferes with an employee's work or creates an intimidating, hostile or offensive work environment. Example: One worker experiences repeated advances from another asking her for dates or “just to go out for drinks after work.” The worker says she isn’t interested, but the co-worker won’t take ‘no’ for an answer.</li> </ul>



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		<p>Employers in Massachusetts with 6 or more employees must adopt a written policy against sexual harassment that includes notice to employees that sexual harassment is unlawful, and it is unlawful to retaliate against an employee for filing a complaint of sexual harassment. The law also encourages employers to conduct education and training programs on sexual harassment. The Massachusetts Commission Against Discrimination provides a model <a href="#">policy</a> and <a href="#">poster</a>.</p> <p>It is illegal to retaliate against employees for filing or otherwise aiding with a complaint.</p>
Forced Labor <sup>33</sup>	<b>YES</b>	<p>Human trafficking is illegal. Any person or business entity that subjects or attempts to subject another person to forced services or recruits, entices, harbors, or transports another person for forced labor, or attempts to do so, violates Massachusetts law. Employers also cannot benefit, financially or otherwise, from forced labor. For <a href="#">more information</a>.</p> <p>Employers should ensure they are carefully following all visa requirements or work agreements to avoid any inadvertent violations.</p>

### Child Labor

Topic	Answer	Summary
Child Labor <sup>34</sup>	<b>YES</b>	<p>Minors under 14 yrs old cannot be employed in service on a farm for a total of more than 4 hours in any one day or 24 hours in any one week. This does not apply to a minor under 14 yrs old who is related by blood or marriage to the owner or operator of the farm.</p> <p><a href="#">Work hour restrictions</a> for minors 14 or 15 yrs old:</p> <ul style="list-style-type: none"> <li>• During the school year: <ul style="list-style-type: none"> <li>○ Minors can only work between 7:00am and 7:00pm.</li> <li>○ Minors cannot work more than 3 hours per day on school days or more than 18 hours per week during the school week.</li> <li>○ Minors cannot work more than 8 hours per day on weekend.</li> <li>○ Minors cannot work more than 6 days per week.</li> </ul> </li> <li>• During the summer: <ul style="list-style-type: none"> <li>○ Minors can only work between 7:00am and 9:00pm.</li> <li>○ Minors cannot work more than 8 hours per day and more than 40 hours per week.</li> <li>○ Minors cannot work more than 6 days per week.</li> </ul> </li> </ul> <p>Works hour restrictions for minors 16 and 17 yrs old:</p> <ul style="list-style-type: none"> <li>• Minors can only work between the hours of 6:00am and 10:00pm on nights preceding a school day.</li> <li>• Minors can only work between the hours of 6:00am and 11:30pm on nights not preceding a school day.</li> <li>• Minors cannot work more than 9 hours per day and more than 48 hours per week.</li> </ul>



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- Minors cannot work more than 6 days per week.

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.

Minors are prohibited from performing certain tasks and jobs. However:

- Minors 14 yrs to 15 yrs old may operate or assist in the operation of small power equipment of the kind utilized by home gardeners or a farm tractor if they have been certified as having completed a training program in vocational agriculture by the Department of Education.
- Minors 16 yrs or 17 yrs old are not bound by the same limitations on employment provided they are enrolled in a course of study and training in a co-operative vocational training program, including co-operative agricultural programs, under a state or local authority; AND that such minors are employed under written agreements, the work is incidental to their training, intermittent and for short periods of time, under the direct and close supervision of a qualified and experienced person, and that required safety instruction is given in the course and on-the-job.
- All minors under 18 yrs old must complete a work permit application and receive a permit before starting a job.

[More details.](#)

### Health and Safety

Topic	Answer	Summary
Workers Compensation <sup>35</sup>	YES	<p><a href="#">Workers' Compensation coverage</a> is required in Massachusetts.</p> <p>Within 7 calendar days, not including Sundays and legal holidays, of receiving notice of any injury alleged to be work-related, which incapacitates an employee for 5 full or partial calendar days (can be non-consecutive), the employer must notify the Department of Industrial Accidents, the employee, and insurer of the injury through the First Report of Injury/Fatality.</p> <p>The notice must be electronically filed and contain the name and nature of the business of the employer, the name, age, sex, and occupation of the injured employee, and the date, nature, circumstances and cause of the injury, and any other information required by the designated form.</p> <p>A copy of the form must be retained by the employer and given to the injured employee and the insurance company.</p>



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		Employers must file a “medical-only” claim (one involving less than 5 calendar days of full or partial disability) with their insurers.
OSHA	<b>YES / NO</b>	Massachusetts falls under federal OSHA jurisdiction. See the federal fact sheet for more information.
Housing <sup>36</sup>	<b>YES</b>	Massachusetts requires farm labor camps to meet certain requirements, including for buildings that serve as housing for laborers. The applicable regulations mandate that buildings used for human habitation be structurally safe, adequate in size for its use, easy to keep clean, and a roof and sides that are watertight, as well as floors that are tight, smooth, and free from chronic dampness. There are also certain size, height, and physical requirements for housing, and necessary features of the housing outlined in the regulations. The operator of the labor camp must maintain the building and required furnishings in good condition. For <a href="#">more information</a> .

<sup>1</sup> Mass. Code Regs. tit. 454, § 27.07(1).

<sup>2</sup> Mass. Code Regs. tit. 830, §62E.2.1.

<sup>3</sup> Mass. Gen. Laws ch. 149, § 148.

<sup>4</sup> Mass. Gen. Laws ch. 149, § 148.

<sup>5</sup> Mass. Gen. Laws ch. 151, § 1A; Mass. Code Regs. tit. 454, § 27.03(3).

<sup>6</sup> Mass. Gen. Laws ch. 151, § 1, 2, and 2A.

<sup>7</sup> Mass. Code Regs. tit. 454, §§ 27.02 and 27.04.

<sup>8</sup> Mass. Code Regs. tit. 454, § 27.04.

<sup>9</sup> Mass. Gen. Laws ch. 149, § 148.

<sup>10</sup> Mass. Gen. Laws ch. 62, §§ 1-64; Mass. Gen. Laws ch. 151A *et seq.* (§ 8A for agricultural employers).

<sup>11</sup> Mass. Gen. Laws ch. 149, § 150A; Mass. Code Regs. tit. 454, § 27.05.

<sup>12</sup> See Annotations for Mass. Gen. Laws ch. 149, § 148.

<sup>13</sup> Mass. Code Regs. tit. 454, § 27.07(2); Mass. Gen. Laws ch. 151, § 15.

<sup>14</sup> Mass. Gen. Laws ch. 149, § 52C.

<sup>15</sup> Mass. Code Regs. tit. 430, §§ 5.01, 5.23

<sup>16</sup> Mass. Gen. Laws ch. 152, § 6.

<sup>17</sup> Mass. Gen. Laws ch. 94, § 13; Mass. Code Regs. tit. 330, § 27.21.

<sup>18</sup> Mass. Gen. Laws ch. 149, §§ 49 and 50.

<sup>19</sup> Mass. Gen. Laws ch. 149, § 100.

<sup>20</sup> Mass. Gen. Laws ch. 150A, §§ 5 and 5A.

<sup>21</sup> Mass. Gen. Laws ch. 149, § 185.

<sup>22</sup> Mass. Gen. Laws ch. 149, §§ 148C and 148D; 940 Mass. Code Regs. 33.01 *et seq.*

<sup>23</sup> Mass. Gen. Laws ch. 151B, § 4(1E).

<sup>24</sup> Mass. Gen. Laws ch. 151B, § 4(1E).

<sup>25</sup> Mass. Gen. Laws ch. 149, §§ 148C and 148D; Mass. Gen. Laws ch. 175M, § 2.

<sup>26</sup> Mass. Gen. Laws ch. 33, § 13; Mass. Gen. Laws ch. 149, § 52A 1/2; Mass. Gen. Laws ch. 149, § 177B.

<sup>27</sup> Mass. Gen. Laws ch. 258B, § 3(l); Mass. Gen. Laws ch. 149, § 52E.

<sup>28</sup> Mass. Gen. Laws ch. 234A, §§ 48 to 49 and 60 to 61.

<sup>29</sup> Mass. Gen. Laws ch. 149, § 178.

<sup>30</sup> Mass. Gen. Laws ch. 149, § 52D.

<sup>31</sup> Mass. Gen. Laws ch. 151B; Mass. Gen. Laws ch. 149 § 105A; Mass. Gen. Laws ch. 12 §§ 11H and 11I; Mass. Gen. Laws ch. 93 §§ 102 and 103.

<sup>32</sup> Mass. Gen. Laws ch. 151B; 804 Mass. Code Regs. 3.01; Mass. Gen. Laws ch. 214, §1C.

<sup>33</sup> Mass. Gen. Laws ch. 265, §§ 49-51.

<sup>34</sup> Mass. Gen. Laws ch. 149, §§ 56-67, 86-105.

<sup>35</sup> Mass. Gen. Laws ch. 152, § 6.

<sup>36</sup> 105 Mass. Code Regs. 420.001 *et seq.*