

Challenging Injustice at Work

1 **Talk to your supervisor** regarding any abuses or concerns and, if unsuccessful, his or her supervisor. To better protect yourself, bring a co-worker with you.

2 **Document every abuse** as best you can: take notes, keep written track of dates, speak with your co-workers, etc. (You cannot secretly record conversations in Massachusetts.)

3 **Connect with your co-workers.** Ask them if they are having similar problems and form a committee to address them.

4 **Contact the Downtown Workers Center** and schedule an intake appointment. The DWC will work with you and your co-workers as you consider how to respond or take a group action: negotiating with your employer, taking direct action, filing grievances, contacting the appropriate government agency, or exploring legal relief.

This brochure only scratches the surface. Visit <http://workr.me> for detailed information regarding your rights at work: CORI, job hunting, immigration status, unemployment, disability, worker's comp and more.

This Brochure Is Made Possible by Boston Industrial Workers of the World, Massachusetts Global Action, and the Boston May Day Committee.

workr.me



Your Resource for Workers' Rights in Massachusetts

The Downtown Workers Center is a non-profit, worker-run organization which educates, empowers and organizes workers in the Downtown Crossing area by mobilizing support and resources, and by promoting self-organized actions to secure justice.

<http://workr.me>
standup@workr.me
(617) 53-WORKR / 617-539-6757

Labor Donated

**A Guide
Know Your Rights
For Workers**
*These rights apply to all workers—
regardless of immigration status—
(unless otherwise stated)*

Chasin' Paper: Wages and Hours

You must be paid for **every hour you work**, even if you quit or are fired. This applies to hours worked, tips, vacation pay, holiday pay & commissions. If you voluntarily leave your job, you must be paid in full on the next regular pay day. If you are laid off or fired, you must be paid in full on the day your employment ends.

Minimum Wage

Massachusetts minimum wage is **\$8.00 per hour**. Some restrictions may apply for age, duration of work, and agricultural sectors.

Overtime

All waged workers must be paid **one-and-a-half times the regular rate of pay** for every hour worked over 40 hours in a week. For example, if you usually earn \$8.00/hour, you would be paid \$12.00/hour for each hour worked beyond 40 hours in a week.

You must be paid overtime even if you take a vacation day or a sick day, given that your total hours worked add up to more than 40 hours within a 7-day week.

Tips

An employer can pay you **\$2.63 per hour** if you regularly receive more than \$20 a month in tips. If your tips plus the \$2.63 per hour do not add up to at least \$8.00 per hour, your employer must make up the difference.

Your tips are yours to keep and cannot be taken by your employer, managers or other workers who have any managerial responsibilities. Your employer may, however, implement a "tip pool" where some of your tips are shared with other non-managerial workers.

Meal Breaks

If you work at least six hours a day, you are entitled to an **uninterrupted 30 minute break**. During your break you must be relieved of all duties and allowed to leave the premises. If you voluntarily elect to give up your meal break or if you are required to work through your break, **you must be paid for the time**.

Privacy

Employers can search your locker or desk at any time for contraband or stolen goods with legitimate suspicion, but that can mean just about anything. While Massachusetts law **forbids employers from secretly recording conversations between workers**, this does not apply to e-mail. Your boss can examine company computers at will. *Keep conversations with co-workers off-line. These intrusions are unjust, but may be legal.*

Free Speech

Employers may limit your right to free speech at the work place. For example, in Massachusetts, an at-will employee can be fired for simply being a member of a political party or distributing materials unrelated to work. *This is unjust, but legal for now.*

Drug Testing

In most cases, a worker can be drug tested at any time.

Discrimination

Employers **may not discriminate** against job applicants or workers on the basis of race, color, sex, religious creed, national origin, age, ancestry, disability, sexual orientation, genetic background or military service. Preferential treatment of workers or unfair evaluations that deny promotions, raises, or transfers on similar grounds may also be discriminatory.

Sexual Harassment

Sexual harassment is against the law and includes:

- 1 Creating an intimidating, stigmatizing, or humiliating work environment. This may include touching, bumping, requests for favors, jokes, displays of lewd pictures, or questions about sexual experiences;
- 2 Pressuring a worker to engage in sexual activity as a condition of or in exchange for continued employment, advancement, or avoidance of sanctions.

Criminal Background Checks

Most employers are able to access pending charges and prior convictions (up to 10 years for felonies and 5 years for misdemeanors) on your CORI ("Criminal Offender Record Information") report. Some employers who serve vulnerable populations, like nursing homes, are statutorily mandated to have more access. Employers will also receive murder, manslaughter and sex offense records without any time limitation.

Massachusetts employers can refuse to hire you because of your criminal record, however, employers **must provide you with a copy of your CORI report** before questioning you about it. You do have **the right to contest** the accuracy and relevancy of the record.

Setting The Record Straight

It is against the law to fire or discipline a worker for:

- 1 **Taking part in collective action at the workplace** by forming a committee, organizing a union, or any other group actions that address the working conditions or workplace injustices;
- 2 **Complaining about job-related issues** to co-workers, customers, supervisors, and even the press if two or more workers take part, as long as you do not to attack the quality of the employer's goods or services;
- 3 **Walking off the job** with co-workers in protest of working conditions, unless this action is prohibited by a union contract;
- 4 **Wearing work-related protest buttons, distributing leaflets, submitting petitions, organizing letter-writing campaigns, picketing, or even refusing to work** as long as the protest concerns a job matter, does not use obscene language and does not attack the quality of the employer's goods or services. Most employers have rules limiting distribution of leaflets and solicitation to non-working areas during non-working time.