

Discrimination

If you are a victim of Discrimination in Massachusetts, you have rights. There are state and federal laws that protect victims of discrimination in Massachusetts. If you've been discriminated against in your workplace, you should contact an attorney who can advise you. There are short time frames for filing claims. It is therefore important that you call an attorney as soon as possible, so you do not lose your rights.

Employers are generally allowed to pay, promote, hire and fire employees as they wish. That is the nature of employment at will laws. However, if any of these decisions are based on age, race, national origin, heritage, ethnicity, sexual orientation, disability, gender, pregnancy, religion or any other discriminatory factor, the employer may be violating the employee's rights under state and federal law.

The employment laws include statutes designed to prevent discrimination such as:

- Title VII of the Civil Rights Act of 1964
- The Americans with Disabilities Act
- The Age Discrimination in Employment Act
- Massachusetts General Law Chapter 151B
- Under these laws, employers cannot terminate or discriminate against employees for the following reasons:
 - Age
 - Race
 - Sex
 - Sexual preference
 - Religion
 - National origin
 - Disability
 - Pregnancy

It is also illegal for an employer to consider these characteristics when making decisions regarding:

- Hiring
- Promotions
- Job assignments
- Termination
- Wages

General Employment Discrimination: Employment Discrimination (based on race, age, color, religious creed, national origin, sex, or sexual orientation) is a violation of both state and federal law. See, for example, **Mass. Gen. Laws chapter 151B**. The Massachusetts Commission

against Discrimination (MCAD) is the state agency charged with investigating employment discrimination, its federal counterpart is the Equal Employment Opportunity Commission (EEOC). If you believe you have been discriminated against at work, you should consult an attorney about filing a complaint with the MCAD immediately. You must file a complaint with the MCAD within 300 days of the date of the discrimination or you may be prevented from pursuing a case in court.

- MA State Legislative Act to Establish Pay Equity, which amends the Massachusetts Equal Pay Act (“MEPA”), and which goes into effect on **July 1, 2018**.
- MEPA generally provides that “No employer shall discriminate in any way on the basis of gender in the payment of wages, or pay any person in its employ a salary or wage rate less than the rates paid to its employees of a different gender for comparable work.”
- An employer that violates MEPA generally will be liable for twice the amount of the unpaid wages owed to the affected employee(s)—the differential between the employee’s wages and the wages paid to an employee of a different gender performing comparable work—plus reasonable attorneys’ fees and costs. However, the law provides a complete defense for any employer that, within the previous three years and before an action is filed against it, has conducted a good faith, reasonable self-evaluation of its pay practices
- In order to determine whether jobs are comparable for purposes of MEPA, jobs should be compared based on three factors: Skill, Effort and Responsibility.
- Discrimination claims for Massachusetts employees, including failure to promote, equal pay and "glass ceiling" cases.

Race

- There are many laws that have been enacted to help root out race discrimination in the workplace, both on the federal level (42 USC § 1981, Title VII) and under Massachusetts law (G.L. c. 151B; Mass. Equal Rights Act).
- Race discrimination can take many forms. From job interviews using discriminatory criteria to firings because of an employee’s race, race discrimination can occur at any time during the employment relationship. Sometimes employees are harassed based on their race. In other circumstances, differential treatment or discriminatory action taken by the employer results in a specific harm to the employee. Such injuries may take the form of pay discrepancies (base, commissions or bonuses), unfair performance reviews or discipline, or wrongful termination.

Age:

The Age Discrimination in Employment Act of 1967 (“ADEA”) and a similar Massachusetts law (G.L. c. 151B) were established to protect job applicants and employees 40 years of age and older against discrimination



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because of age. Age discrimination prohibited by the ADEA and G.L. c. 151B can take many forms, including a preference for younger people in hiring, firing, benefits, compensation, training, job assignments, layoffs, and promotions. It is also unlawful for employers to include age limitations in job postings or advertisements, or to use age as a consideration for admission into apprenticeship programs.