

Updated March 23, 2020

FAQ:

LEAVE & BENEFIT RIGHTS IN MA

KNOW YOUR WORK-RELATED RIGHTS DURING THE CORONAVIRUS

The following is NOT legal advice. Contact a worker center or an employment attorney if you feel your rights have been violated. Always check your employer's policies and, ideally with coworkers, ask your employer for additional flexibility or support. Additional federal, state and local laws may be adopted in the coming days and weeks and impact your rights.

I'M SICK AND UNABLE TO WORK; OR I'M STAYING HOME TO CARE FOR SOMEONE WHO IS SICK. WHAT CAN I DO TO PROTECT MY JOB AND STILL RECEIVE INCOME?

- **If you are sick**, you may be eligible for Massachusetts **earned sick time**. MA requires that all employers provide sick leave. If your employer has more than 11 employees, the leave must be **paid at the rate of your regular wages**. *This applies to all employees, regardless of immigration status. Contact the MA Attorney General's Fair Labor Division: 617-727-3465.*
- **Beginning April 2, 2020: If you are sick** with coronavirus or have symptoms of coronavirus, **if you're caring for an individual** who is subject to quarantine or has been advised by a health care provider to self-quarantine, or **if you are caring for a child** whose school is closed or whose child care provider is unavailable because of coronavirus you may be eligible for **two weeks of federal emergency paid sick leave**. Your employer must have less than 500 employees. You may be eligible even if you work part time. *All employees regardless of immigration status, who are paid through payroll, should be eligible, but it is too soon to know how the law will be enforced. If your employer refuses, contact the Wage and Hour Division of the Department of Labor: 617-624-6700.*

MY EMPLOYER CLOSED MY WORKPLACE OR REDUCED MY HOURS AND IS FORCING EMPLOYEES TO TAKE UNPAID LEAVE. WHAT CAN I DO?

- If your hours have been reduced or if you've been fired or laid off, you can apply for **unemployment insurance**. However, in the year before applying, you must have earned at least \$5,100 with one employer.
- Contact the **Department of Unemployment, 617-626-6800**, right away if: **your employer has shut down** because of the coronavirus; your employer has **reduced your hours** of work; your employer has **temporarily laid you off** and said you can return when business picks up; you **have been quarantined** by a medical professional or been told to quarantine by your employer or government order; **you must be home** to care for a sick family or household member; you left work because you **reasonably believe you have a risk of exposure** or infection at your workplace; or you left work because **your child's school or care center has closed**.
 - ****If you are undocumented, you should not apply for unemployment insurance.****
- If your employer says that because of coronavirus they are unable to pay you for work completed, you probably have a claim for **wage theft**. **Contact the MA Attorney General's Fair Labor Division: 617-727-3465.**

I'M WORRIED THAT I'M EXPOSED TO CORONAVIRUS AT WORK. WHAT CAN I DO?

- Share with your employer the OSHA and CDC Guidelines, which recommend actions employers can take to minimize risks, like sending home employees with visible respiratory symptoms, performing routine environmental cleaning, and more. **You have the right to report and/or complain about a health and safety issue at work.** If an employer

harms you in any way based on your protected action, you have 30 days to file a retaliation complaint with the Occupational Safety and Health Administration (OSHA). **Contact OSHA: 1-800-321-6742.**

- You have more protection if you **join forces with a co-worker to present your health and safety issues.** The National Labor Relations Act protects all workers' right to work together with coworkers to improve working conditions. You have 180 days to file a complaint with the **National Labor Relations Board, call: 844-762-6572.**
- If you leave work for reasonable fear of exposure to coronavirus and have earned \$5,100 in the past year, you may collect unemployment insurance. Contact the **Department of Unemployment: 617-626-6800.**

IF I NEED TO TAKE EXTENDED TIME OFF TO CARE FOR A SICK FAMILY MEMBER OR MY KIDS, CAN I STILL GET PAID AND/OR KEEP MY JOB?

- **Beginning April 2, 2020:** If you've been working for **at least 30 days** with the employer from whom you are requesting leave, your employer has **fewer than 500 employees** and has not received a special exemption from the government, and you're staying home to **care for children whose schools are closed or whose child care provider is unavailable because of coronavirus**, you may be eligible for **12 weeks of partial paid leave.** This benefit is generally 2/3 of your regular wages. The first 10 days are unpaid, but you may be able to take emergency paid leave (see above) during that time. An employer may be exempt if they have fewer than 50 employees.
- For more information, or if you request leave from your employer and your employer refuses or fires you, contact the **U.S. Department of Labor: 617-624-6700.**

IF I COME TO WORK A SCHEDULED SHIFT AND AM SENT HOME FOR THE DAY, CAN MY EMPLOYER NOT PAY ME?

- If you're scheduled to work a shift that is **3 or more hours**, you **report to work at the scheduled time**, and are **not provided the expected hours of work**, Massachusetts law requires employers to pay you for a **minimum of three hours of work at the minimum wage.** Contact the **MA Attorney General's Fair Labor Division, 617-727-3465.**

I'M CLASSIFIED AS AN INDEPENDENT CONTRACTOR. CAN I STILL RECEIVE INCOME IF I'M NOT WORKING?

- ***Paid sick leave:*** Independent contractors are currently not eligible for state earned sick time. However, your employer may have improperly classified you as an independent contractor. If you think you this is the case, **contact the MA Attorney General's Fair Labor Division, 617-727-3465.** *You may be eligible for federal paid leave if you are self-employed.* Contact the **U.S. Department of Labor: 617-624-6700 for more information.**
- ***Unemployment insurance:*** Independent contractors are generally not eligible. However, you may still call the **Department of Unemployment Assistance, 617-626-6800,** to confirm your status.

BECAUSE OF CORONAVIRUS, MY EMPLOYER TREATED ME DIFFERENTLY THAN MY COWORKERS BECAUSE OF MY RACE OR PERCEIVED ETHNICITY. WHAT CAN I DO?

- An employer who treats you worse than other workers because of your **race, national origin, or ethnic background** is violating the law. This includes employer actions that single you out because of negative stereotypes. If you believe that you're being discriminated against, **contact the MA Commission Against Discrimination (MCAD), 617-994-6000, within 300 days** of the last discriminatory action. MCAD protects all workers *regardless of immigration status.*

IMPORTANT: Pay attention to local and national media in the event that other emergency relief measures are implemented.