

Updated January 18, 2021

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 weeks and months and impact your rights.

## I'M SICK AND UNABLE TO WORK. WHAT CAN I DO PROTECT MY JOB AND STILL RECEIVE INCOME?

If you are sick, you may be eligible for Massachusetts earned sick time, for up to 40 hours of leave. MA requires that all employers provide sick leave. If your employer has 11 or more 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 online or by phone: 617-727-3465.**

Beginning April 1, 2020 Families First Coronavirus Response Act (FFCRA): 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.

**Important:** FFCRA officially expired on 12/31/2020. Employers *may* choose to extend FFCRA until March 31, 2021. If you become ill due to the coronavirus after 12/31/2020 ask your employer if they have extended FFCRA benefits. If you had the coronavirus between 4/1/2020 and 12/31/2020 and were not provided paid leave, you may be entitled to FFCRA benefits. Contact your local worker center or legal services for more information. Additionally, if you are an employee and pay taxes, under the new Massachusetts Paid Family and Medical Leave law (MA-PFML), you may be eligible for up to 20 weeks of paid leave to manage your own serious health condition. Note that employees with coronavirus may be covered under the MA-PFML if they have serious symptoms. For more information click [here](#).

All employees regardless of immigration status, who are paid through payroll, should be eligible for FFCRA. If your employer refuses or refused to pay you, contact the **Wage and Hour Division of the Department of Labor: 617-624-6700.**

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## 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 Assistance, 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 any form of 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.

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

Share with your employer the Occupational Health and Safety Administration (OSHA) and Centers for Disease Control (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 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 Assistance: 617-626-6800**.

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## 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 1, 2020 under the Families First Coronavirus Response Act: 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 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.

**Important:** FFCRA benefit expired on 12/31/2020. However, beginning 7/1/2021, if you pay taxes you may be eligible for up to 12 weeks to care for a family member who has a serious health condition. For more information click [here](#). For more information, if you request leave from your employer and your employer refuses or fires you, contact the **U.S. Department of Labor: 617-624-6700**.

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## 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**.

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 weeks and months and impact your rights.

## I'M CLASSIFIED AS AN INDEPENDENT CONTRACTOR/SELF-EMPLOYED. CAN I STILL RECEIVE INCOME IF I'M NOT WORKING?

If you are an independent contractor or own your own business and are experiencing economic hardship due to coronavirus, you should apply for [Pandemic Unemployment Assistance](#) as soon as possible. Call for assistance: 877-626-6800.

**\*\*If you are undocumented, you should not apply for any form of unemployment insurance.\*\***

If you have been classified as an independent contractor (paid by 1099-MISC) and pay your taxes with a valid ITIN number, you may be eligible for paid sick and family leave benefits under the new MA-PFML act. For more information on coverage for 1099-MISC workers, click [here](#).

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 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.

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## 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.

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## MY WORKPLACE IS REOPENING. WHAT MUST MY EMPLOYER DO TO KEEP ME AND GUESTS SAFE?

The Department of Public Health (DPH) and the COVID-19 Command Center developed new Mandatory Workplace Safety Standards in consultation with the Reopening Advisory Board. These new standards will apply universally to all reopening workplaces, as well as workplaces that have been open, and are designed to reduce the risk of COVID-19 transmission to employees and customers during the phases of reopening, and are applicable to all sectors and industries.

### Social Distancing

- All persons, including employees, customers, and vendors should remain at least six feet apart to the greatest extent possible, both inside and outside workplaces
- Establish protocols to ensure that employees can practice adequate social distancing
- Provide signage for safe social distancing
- Require face coverings or masks for all employees

### Hygiene Protocols

- Provide hand washing capabilities throughout the workplace

- Ensure frequent handwashing by employees and adequate supplies to do so
- Provide regular sanitization of high touch areas, such as workstations, equipment, screens, doorknobs, restrooms

### **Staffing & Operations**

- Provide training for employees regarding the social distancing and hygiene protocols
- Employees who are displaying COVID19-like symptoms do not report to work
- Establish a plan for employees getting ill from Covid-19 at work, and a return-to-work plan

### **Cleaning & Disinfecting**

- Establish and maintain cleaning protocols specific to the business
- When an active employee is diagnosed with COVID19, cleaning and disinfecting must be performed
- Disinfection of all common surfaces must take place at intervals appropriate to said workplace

Additionally, your employer may be required to follow additional sector specific protocols depending on the type of business it is. For a list of Sector Specific Safety Protocols and Best Practices, visit <https://www.mass.gov/resource/reopening-sector-specific-protocols-and-best-practices>.

### **Before reopening, your employer must:**

- Develop a Covid-19 control plan that must be made available for inspection or outbreak.
- Display a compliance attestation poster on premises that is visible to workers and visitors.

Additionally, your employer may print and display within its premises this poster describing the rules for maintaining social distancing, hygiene protocols, and cleaning and disinfecting.

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## **WHAT IF MY EMPLOYER REOPENED AND IS NOT FOLLOWING THE NEW MANDATORY WORKPLACE STANDARDS AND/OR THE SECTOR SPECIFIC PROTOCOLS?**

If you would like to report a business or workplace that is non-compliant with the mandatory workplace safety standards or with their sector-specific protocols, please reach out to your Local Board of Health. Contact information for your Local Board of Health can be found [here](#).

You may also report non-compliance to the Department of Labor Standards (DLS) through their hotline (508) 616-0461 and choose option #1, or by completing this [online form](#), or by sending an email to [safepublicworkplacemailbox@mass.gov](mailto:safepublicworkplacemailbox@mass.gov). Additionally, 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 because you complained or reported, you have 30 days to file a retaliation complaint with [OSHA, 1-800-321-6742](#).

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 weeks and months and impact your rights.