

# Massachusetts Wage & Hour Laws

The minimum wage is  
**\$15.00**

**Fair Labor Hotline**  
(617) 727-3465  
TTY (617) 727-4765



[www.mass.gov/ago/fairlabor](http://www.mass.gov/ago/fairlabor)



Massachusetts  
Attorney General  
**Andrea Joy Campbell**

State law requires all employers to post this notice at the workplace in a location where it can easily be read. M.G.L. Chapter 151, Section 16; 454 C.M.R. 27.07(1)

## Minimum Wage

M.G.L. Chapter 151, Sections 1, 2, 2A, and 7

Beginning January 1, 2023, the minimum wage in Massachusetts is \$15/hour. In Massachusetts, all workers are presumed to be employees. The minimum wage applies to all employees, except:

- agricultural workers (\$8.00 per hour is the minimum wage for most agricultural workers),
- members of a religious order,
- workers being trained in certain educational, nonprofit, or religious organizations, and
- outside salespeople.

## Tips

M.G.L. Chapter 149, Section 152A; M.G.L. Chapter 151, Section 7

Beginning January 1, 2023, the service rate in Massachusetts is \$6.75/hour. The hourly "service rate" applies to workers who provide services to customers and who make more than \$20 a month in tips. The average hourly tips, plus the hourly service rate paid to the worker must add up to the minimum wage per each shift. Employers, owners and employees with managerial or supervisory responsibilities on a given day must never take any of your tips. Tips and service charges listed on a bill must be given only to wait staff, service bartenders, or other service employees. Tip pooling is allowed only for wait staff, service bartenders, and other service employees.

## Overtime

M.G.L. Chapter 151, Sections 1A and 1B

Generally, employees who work more than 40 hours in any week must be paid overtime. Overtime pay is at least 1.5 x the regular rate of pay for each hour worked over 40 hours in a week.

For some employees who get paid the "service rate," the overtime rate is 1.5 x the basic minimum wage, not the service rate.

Exception: Under state law, some jobs and workplaces are exempt from overtime. For a complete list of overtime exemptions, visit [www.mass.gov/ago/fairlabor](http://www.mass.gov/ago/fairlabor) or call the Attorney General's Fair Labor Division at (617) 727-3465.

## Payment of Wages

M.G.L. Chapter 149, Section 148; 454 C.M.R. 27.02

The law says when, what, and how employees must be paid. An employee's pay (or wages) includes payment for all hours worked, including tips, earned vacation pay, promised holiday pay, and earned commissions that are definitely determined, due and payable.

Hourly employees must be paid every week or every other week (bi-weekly). The deadline to pay is 6 or 7 days after the pay period ends, depending on how many days an employee worked during one calendar week.

Employees who quit must be paid in full on the next regular payday or by the first Saturday after they quit (if there is no regular payday). Employees who are fired or laid off must be paid in full on their last day of work.

## Paystub Information

M.G.L. Chapter 149, Section 148

All employees must get a statement, at no cost, with their pay that says the name of the employer and employee, the date of payment (month, day, and year), the number of hours worked during the pay period, the hourly rate, and all deductions or increases made during the pay period.

## Pay Deductions

M.G.L. Chapter 149, Section 148; 454 C.M.R. 27.05

An employer cannot deduct money from an employee's pay unless the law allows it (such as state and federal income taxes), or the employee asked for a deduction to be made for the employee's own benefit (such as to put money aside in the employee's savings account).

An employer cannot take money from an employee's pay for the employer's ordinary business costs (for example: supplies, materials or tools needed for the employee's job). An employer who requires an employee to buy or rent a uniform must refund the actual costs to the employee.

The law also puts limits on when and how much money an employer can take from an employee's pay for housing and meals the employer gives to the employee.

## Hours Worked

454 C.M.R. 27.02

Hours worked or "working time" includes all time that an employee must be on duty at the employer's worksite or other location, and works before or after the normal shift to complete the work.

## Meal Breaks

M.G.L. Chapter 149, Sections 100 and 101

Most employees who work more than 6 hours must get a 30-minute meal break. During their meal break, employees must be free of all duties and free to leave the workplace. If, at the request of the employer, an employee agrees to work or stay at the workplace during the meal break, the employee must get paid for that time.

## Payroll Records

M.G.L. Chapter 151, Section 15

Payroll records must include the employee's name, address, job/occupation, amount paid each pay period, and hours worked (each day and week).

Employers must keep payroll records for 3 years. Employees have the right to see their own payroll records at reasonable times and places.

## Employees Under 18 – Child Labor

All employers in Massachusetts must follow state and federal laws for employees who are under 18 (minors). These laws say when, where, and how long minors may work. They also say what kinds of work or tasks minors must NOT do.

**Work Permits Required - Most workers under 18 must obtain a work permit. Employers must keep their minor workers' work permits on file at the worksite. To get a work permit, the minor must apply to the superintendent of the school district where the minor lives or goes to school. To learn more about getting a work permit, contact the Department of Labor Standards at (617) 626-6975, or [www.mass.gov/dols](http://www.mass.gov/dols).**

## Dangerous Jobs & Tasks Minors Must Not Do

### Age Must Not

16 & 17	<ul style="list-style-type: none"><li>Drive most motor vehicles or forklifts</li><li>Work at a job that requires that he employee have or use a firearm</li><li>Use, clean or repair certain kinds of power-driven machines</li></ul>	<ul style="list-style-type: none"><li>Handle, serve, or sell alcoholic beverages</li><li>Work 30 or more feet off of the ground</li></ul>
14 & 15	<ul style="list-style-type: none"><li>Cook (except on electric or gas grills that do not have open flames), operate fryolators, rotisseries, NEICO broilers, or pressure cookers</li><li>Operate, clean or repair power-driven food slicers, grinders, choppers, processors, cutters, and mixers</li></ul>	<ul style="list-style-type: none"><li>Work in freezers or meat coolers</li><li>Perform any baking activities</li><li>Work in or near factories, construction sites, manufacturing plants, mechanized workplaces, garages, tunnels, or other risky workplaces</li></ul>
Under 14	Minors under 14 cannot work in Massachusetts in most cases.	

**These are just some examples** of tasks prohibited under both state and federal law. For a complete list of prohibited jobs for minors, contact the Attorney General's Fair Labor Division: (617) 727-3465 • [www.mass.gov/ago/youthemployment](http://www.mass.gov/ago/youthemployment). Or contact the U.S. Department of Labor: (617) 624-6700 • [www.youth.dol.gov](http://www.youth.dol.gov)

## Time & Schedule Restrictions for Minors

### Age Must not work

16 & 17	At night, from 10 p.m. to 6 a.m. (or past 10:15 if the employer stops serving customers at 10 p.m.) Exception: On non-school nights, may work until 11:30 p.m. or until midnight, if working at a restaurant or racetrack.	At any time: <ul style="list-style-type: none"><li>More than 9 hours per day</li><li>More than 48 hours per week</li><li>More than 6 days per week</li></ul>
14 & 15	At night, from 7 p.m. to 7 a.m. Exception: In summer (July 1 – Labor Day), may work until 9 p.m. During the School Year: <ul style="list-style-type: none"><li>During school hours</li><li>More than 3 hours on any school day</li><li>More than 18 hours during any week</li><li>More than 8 hours on any weekend or holiday</li></ul>	When school is not in session: <ul style="list-style-type: none"><li>More than 8 hours on any day</li><li>More than 40 hours per week</li><li>More than 6 days per week</li></ul>

\*Exception: For school-approved career or experience-building jobs, students may be allowed to work during the school day, up to 23 hours a week.

**Adult Supervision Required After 8 p.m. - After 8 p.m., all minors must be directly supervised by an adult who is located in the workplace and is reasonably accessible.** Exception: Adult supervision is not required for minors working at a kiosk or stand in a common area of an enclosed shopping mall that has security from 8 p.m. until the mall closes.

**>Contact the Attorney General's Fair Labor Division: (617) 727-3465 – [www.mass.gov/ago/fairlabor](http://www.mass.gov/ago/fairlabor)**