

WORKPLACE RIGHTS AND PROTECTIONS FOR **DOMESTIC WORKERS**

Am I a domestic worker?

You are a domestic worker if you perform domestic services in the home of another person not related to you. Domestic services include, but are not limited to:

- housekeeping, cleaning, and home management; and
- childcare, home companionship, and other caretaking.

A domestic worker may work directly for a household or for a business that provides domestic services to households (such as a house cleaning service).

Personal care attendants (PCAs) and casual babysitters are not considered domestic workers but still have many of the same protections under Massachusetts employment laws. Casual babysitters generally work less than 16 hours a week for their employers.

What should I be paid?

You should be paid for all time worked at least the minimum wage, and you should receive overtime pay for all hours worked during a week in excess of 40 hours.

- Time worked generally includes travel time during your workday (but does not include your time commuting to and from work) and time spent at a location where your employer requires you to be.
- Minimum wage is \$9 an hour in 2015, \$10 an hour starting January 1, 2016, and \$11 an hour starting January 1, 2017.
- Overtime pay is 1.5 times your regular hourly rate for hours worked beyond 40 in one week.

What can my employer deduct from my pay?

Generally, an employer may make only those deductions required by law OR authorized by you for your own benefit, such as health insurance premiums, contributions to a savings plan, and limited charges for lodging and meals.

An employer may not make deductions for:

- damage to property (in most circumstances);
- dissatisfaction with your job performance; or
- the cost of uniforms or uniform cleaning.

Deductions for lodging and meals are allowed if you agree to them in advance and in writing. (The agreement must be in a language you understand.)

- Lodging deductions are not allowed if you are required to live in a particular location.
- Your employer may not charge for meals if you cannot easily bring or consume your own food or if household restrictions prevent you from doing so.

Do I have a right to time off?

If you work at least 40 hours per week, you have the right to take one day (at least 24 consecutive hours) off per week and one two-day period (at least 48 consecutive hours) off per month.

No matter how many hours per week you work, you have the right to:

- earn and use up to 40 hours of job protected sick leave each year; and
- take up to eight weeks of unpaid leave for the birth or adoption of a child.

OFFICE OF ATTORNEY GENERAL MAURA HEALEY

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What information should my employer give me?

Before work begins, your employer is required to give you:

- a notice of your rights, and
- a written agreement (if you work 16 or more hours per week).

You have the right to review and make corrections to your timesheets at least every two weeks.

You have the right to request a written evaluation every year.

Do I have a right to privacy at work?

Your employer may not:

- monitor or record private spaces or activities,
- monitor or interfere with your private communications, or
- hold onto your passport or other belongings or take other action to force you to work against your will.

Can my employer discriminate against me?

Domestic workers are protected against harassment and other kinds of discrimination based on sex, sexual orientation, gender identity, race, color, age, religion, national origin, and disability.

Are there any special protections for live-in domestic worker?

- If your employer requires you to live in a certain place, your employer must give you reasonable access to telephone and Internet services.
- If your employer provides you a place to live and ends your employment without cause, your employer must give you written notice and either 30 days' lodging or severance pay equal to two weeks' pay. Additionally, an employer must give you at least 24 hours to move out.
- If you are fired for cause, your employer still must provide advance written notice and at least 48 hours to move out, unless you are fired based on a reasonable, good faith belief that you harmed someone in the employer's household or family.

Am I protected by these laws even if I am an undocumented immigrant?

Like many other Massachusetts workplace rights, the Domestic Workers' Bill of Rights covers domestic workers **regardless of immigration status.**

You may have additional protections under other employment laws.

For more information, including information about filing a complaint, please visit the Attorney General's website at mass.gov/ago/dw or call our Fair Labor Hotline at 617-727-3465.

For information about protections against workplace harassment and discrimination, please contact the Attorney General's Civil Rights Division at 617-963-2917.

