

# DISCRIMINATION

## FAIR EMPLOYMENT IN MASSACHUSETTS

Applicants to and employees of private employers with 6 or more employees\*, state and local governments, employment agencies and labor organizations are protected under Massachusetts General Laws Chapter 151B from discrimination on the following bases:

**RACE, COLOR, RELIGION, DISABILITY, NATIONAL ORIGIN, AGE, SEX, PREGNANCY AND PREGNANCY-RELATED CONDITIONS, GENDER IDENTITY, SEXUAL ORIENTATION, GENETIC INFORMATION, ANCESTRY, MILITARY SERVICE**

M.G.L. c. 151B protects applicants and employees from discrimination in hiring, promotion, discharge, compensation, benefits, training, classification and other aspects of employment on the basis of race, color, religion, disability, national origin (including unlawful language proficiency requirements), age (if you are 40 years old or older), sex, pregnancy or a condition related to pregnancy, gender identity, sexual orientation, genetic information, ancestry, and military service. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose an undue hardship.

**HARASSMENT** Sexual harassment includes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to or rejection of such advances, requests or conduct is made explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with a person's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. **The law also prohibits harassment based on the protected classes set forth above.**

**PREGNANCY** The Pregnant Workers Fairness Act prohibits employment discrimination on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child, and describes employers' obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive.

**PARENTAL LEAVE** The law requires employers to grant an employee who has completed an initial probationary period and has given two (2) weeks' notice of the anticipated date of departure and the employee's intention to return, at least eight (8) weeks of paid or unpaid leave for the purpose of childbirth, adoption of a child under 18, or adoption of a child under 23 years old if the child has a mental or physical disability.

**DISABILITY** M.G.L. c. 151B prohibits discrimination on the basis of disability, a record of disability or perceived disability, in hiring,

promotion, discharge, compensation, benefits, training, classification and other aspects of employment. Disability discrimination may include failing to reasonably accommodate an otherwise qualified person with a disability.

**RETALIATION** It is illegal to retaliate against any person because s/he has opposed any discriminatory practices or because s/he has filed a complaint, testified, or assisted in any proceeding before the Commission. It is also illegal to aid, abet, incite, compel or coerce any act forbidden under M.G.L. c. 151B, or attempt to do so.

**DOMESTIC WORKERS** M.G.L. c. 151B prohibits discrimination and harassment against certain domestic workers where the employer has one (1) or more employees.\* While some exclusions apply, domestic workers generally include individuals paid to perform work of a domestic nature within a household on a regular basis, such as housekeeping, housecleaning, nanny services, and/or caretaking. Employers are prohibited from engaging in sexual harassment and harassment and/or discrimination based on the protected classes described above, i.e. race, color, etc. Domestic workers are also entitled to parental leave.

**CRIMINAL HISTORY INQUIRIES** The law prohibits employers from asking applicants on an initial employment application for any criminal background information unless an exemption by statute or regulation exists.

**MENTAL HEALTH FACILITY ADMISSION INQUIRIES** Employers may not refuse to hire or terminate an employee for failing to furnish information regarding his/her admission to a facility for the care and treatment of mentally ill persons. An employment application may not seek information about an applicant's admission to such a facility.

**IF YOU HAVE BEEN DISCRIMINATED AGAINST** If you feel you have been harassed or discriminated against, you should immediately file a charge of discrimination with the **Massachusetts Commission Against Discrimination**, [www.mcad.gov](http://www.mcad.gov), at one of the offices below. **An agreement with your employer to arbitrate your discrimination claim(s) does not bar you from filing a charge of discrimination.**

Boston Office: 1 Ashburton Pl, Suite 601, Boston, MA 02108 - P: (617) 994-6000 F: (617) 994-6024  
New Bedford Office: 800 Purchase St Room 501, New Bedford, MA 02740 - P: (508) 990-2390 F: (508) 990-4260  
For more information, please see our website: [www.mass.gov/mcad/](http://www.mass.gov/mcad/)

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