

● STATE CIVIL RIGHTS LAW

STATUTORY CITATION: Mass. Gen. Laws Ch. 151B, §§ 1 – 10

GENERAL SUMMARY: The state's primary civil rights law prohibits, among other unlawful activities, employment discrimination on the basis of race, color, religious creed, national origin, sex, gender identity, sexual orientation, genetic information, ancestry, age, or military service. The law is generally applicable to for-profit employers with 6 or more employees, without regard to their agricultural or non-agricultural status.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED ACTS — Employers are forbidden, on the grounds of an individual's race, color, religious creed, national origin, sex, gender identity, sexual orientation, genetic information, or ancestry, from discharging from employment or refusing to hire the individual, or from discriminating against the individual in compensation or in the terms, conditions or privileges of employment, unless such treatment is based on a bona fide occupational qualification. Moreover, it is unlawful for any employer in the private sector to fire, refuse to hire, or otherwise discriminate against a person who is at least 40 years old, because of the person's age. Similar discriminatory acts based on a worker's military service are also prohibited.

Any statement, advertisement, publication or job application printed, circulated or used by an employer or employment agency which directly or indirectly expresses any limitations, specification or discrimination as to race, color, religious creed, national origin, sex, gender identity, sexual orientation, age, genetic information, ancestry, or the handicap of a qualified handicapped person is likewise illegal, unless based on a bona fide occupational qualification.

COMPLAINTS — Anyone claiming to have suffered from an act of employment discrimination outlawed by these provisions may file a complaint with the state enforcement agency at any time within 300 days after the act occurred. If the state agency, after prompt investigation, finds probable cause for crediting the allegations, the agency must try to eliminate the unlawful practice involved through conference, conciliation and persuasion. A formal hearing must be called whenever efforts at informal resolution are unsuccessful, and the agency may order the violating party to cease and desist if evidence presented at the hearing sustains the belief that a violation has, in fact, occurred. The law also authorizes the state agency to order affirmative relief (including hiring, reinstatement, promotion or similar action, with or without back pay) upon a finding that a respondent has engaged in an unlawful practice.

SPECIAL NOTES OR ADVISORIES

RETALIATION — It is illegal to intimidate, threaten, coerce, interfere with, or discriminate against an individual because he or she has filed a complaint under this law, testified or participated in any other way in a related investigation or hearing, or exercised any other right granted by this law.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Massachusetts Commission Against Discrimination, Boston, Massachusetts 02108 (617-994-6000)*. The Commission is responsible for investigating and resolving unlawful employment practice charges under these provisions, as described above.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.

PRIVATE CIVIL ACTION — Any person aggrieved by an unlawful employment practice may, at the expiration of 90 days after filing a complaint with the Commission, file a civil lawsuit for damages, injunctive relief, or both. The petitioner must notify the Commission of any such action, and any complaint before the Commission will be dismissed, barring any future complaint before the Commission on the same matter. No private civil action may be filed later than 3 years after the alleged unlawful practice occurred.