

# EMPLOYMENT COMPLAINT

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## Recognizing employment discrimination

It's illegal for someone to discriminate against you based on your race, color, religion, marital status, disability, genetic information, military status, familial status, national origin, sex, age, ancestry, sexual orientation, source of income, gender identity, or gender expression. These are called protected classes under the law.

### Examples of employment discrimination include:

Not hiring you because of who you are	Paying you less than others doing similar work
Not promoting you because of who you are	Treating you unfairly because of pregnancy or childbirth

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## What to do if you experience employment discrimination

### You can file a complaint with one of these agencies:

<p><b>The Massachusetts Commission Against Discrimination (MCAD)</b> enforces anti-discrimination laws, including M.G.L. c. 151B. Filing a complaint with MCAD pursues relief under state law and provides you the ability to reach a settlement, impose civil penalties, and preserve your right to sue later.</p>	<p><b>The Massachusetts Attorney General's Office (AGO) Fair Labor Division</b> enforces state wage and hour laws, including M.G.L. c. 149. Filing a complaint with the Fair Labor Division is appropriate for wage and labor law violations, including unpaid wages, wage deductions, and violations of paid sick leave and earned sick time.</p>
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### How to file a complaint with MCAD:

You have **300 days** after the most recent discriminatory incident to file an MCAD complaint. It's best to file a complaint as soon as possible.

### How to file with MA AGO Fair Labor Division:

You have **3 years** from the date of the violation to file a complaint with the Fair Labor Division.

<p><b>In person:</b> You can file an MCAD complaint in person at an MCAD office</p>	Intake services are first-come, first-served, Monday through Friday (9:15 AM to 2:45 PM)	<p><b>Online:</b> You can file online at: <a href="https://www.mass.gov/how-to/file-a-workplace-complaint">https://www.mass.gov/how-to/file-a-workplace-complaint</a></p> <p>Note that not all complaints lead to an investigation or enforcement by the AGO. If the AGO does pursue the complaint, the Fair Labor Division may send a warning to your employer, penalize your employer with a civil citation requiring them to pay unpaid wages, file criminal charges against your employer, or take another action. The AGO may also give you a "private right of action" letter that allows you to sue your employer for your unpaid wages and other damages.</p>
	1 Ashburton Place, Suite 601, Boston, MA 02108   Phone: (617) 994-6000	
	18 Chestnut St., Room 520, Worcester, MA 01608   Phone: (508) 453-9630	
436 Dwight St., Room 220, Springfield, MA 01103   Phone: (413) 739-2145		
<p><b>By mail:</b> You can also file a complaint by mail</p>	Address: 1 Ashburton Place, Suite 601, Boston, MA 02108	
	Detailed instructions for filing by mail: <a href="https://www.mass.gov/doc/instructions-for-filing-a-mailed-complaint-of-discrimination-to-the-mcad/download">https://www.mass.gov/doc/instructions-for-filing-a-mailed-complaint-of-discrimination-to-the-mcad/download</a>	

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### Tips to make your complaint stronger

<b>Who</b>	Include as much information as possible about who discriminated against you (this is the opposing party). For example, was it your boss or supervisor?	<b>Where</b>	Where did this all take place? Include information about the physical location. For example, an office space or a restaurant.	
	Describe the nature of your relationship with the opposing party. How long have you known them?		If the discrimination occurred online, do you have any emails or messages?	
	Is there anyone who could support your complaint as a witness? If so, include their name, information, and what they know.		Did you take notes about the incident or message someone about it?	
<b>When</b>	When did the discrimination occur? Include as many dates of specific incidents as possible, and a sequence of events or timeline if the discrimination occurred over a longer period.	<b>What</b>	Include as much detail as possible about what happened. How were you discriminated against? What did the opposing party do? Did they say something to you? Did they create, enforce, or violate a policy? What action did they take against you?	
	Remember the deadlines for filing.		How did you respond?	
<b>Why</b>	Did the opposing party give you an explanation for the action they took?		What did the opposing party do in reaction to your response?	
	Did the opposing party make any remarks about your protected class?		What was the outcome of the opposing party's conduct? For example, were you fired, denied hiring, denied a promotion, or given unequal pay? Also note whether you experienced harassment or retaliation.	
	Did they treat you differently after learning certain information about you?		Did you experience emotional distress?	
	Do you know anyone else who was treated unfairly in a similar way?		Did you take any steps internally, including reporting the issue to Human Resources or management?	
	Do you know anyone who was treated better in the same situation—especially someone who doesn't share your identity, background, or protected class?		Do you have a copy of the following documents: pay stubs, employment contract, performance reviews, disciplinary notices, company policies or handbooks?	
<b>What is your ideal outcome or remedy?</b>				
Examples include but are not limited to reinstatement, back pay, or lost wages.				

### About Lawyers for Civil Rights

Lawyers for Civil Rights works with people of color, immigrants, and low-income communities to fight discrimination, foster equity, and pursue justice through creative and courageous legal advocacy, education, and economic empowerment. In partnership with law firms and community allies, we provide free, life-changing legal support to individuals, families, and small businesses.

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