

Massachusetts Mandates Treble Damages for Wage and Hour Violations

Karen S. Aframe | April 22, 2008

On April 14, Massachusetts Senate Bill 1059, “An Act to Clarify the Law Protecting Employee Compensation,” became law. This law requires that courts award successful plaintiffs treble damages (triple lost wages or other employment benefits), costs, and attorney fees for every violation of Massachusetts wage and hour law. This law becomes effective July 13, 2008, and will apply to all Massachusetts wage and hour matters, including but not limited to overtime, timely payment of wages, minimum wages, tip payments, and misclassification of employees as independent contractors.

Although the law purports to merely clarify existing law, it is a departure from the predominant interpretation of the law, which only awarded treble damages to plaintiffs who proved that the employer’s conduct was willful or particularly egregious. This clarification will have a significant financial impact on employers found to be in violation of Massachusetts wage and hour laws, even if the employer was acting in good faith. Moreover, because the new law is a clarification, it will likely apply retroactively to any pending claims.

The passage of this law is likely to spur more wage and hour claims. Under Massachusetts law, individuals having responsibility for the payment of wages also may be found to be individually liable for wage and hour violations. To protect against this increased financial liability, Massachusetts employers should carefully review their wage and hour practices to ensure that they comply with the Massachusetts wage and hour laws.

For more information or assistance, please contact Karen Aframe (kaframe@bernsteinshur.com, 603 623-8700), Andrea Johnstone (ajohnstone@bernsteinshur.com, 603 623-8700), Glenn Israel (gisrael@bernsteinshur.com, 207 774-1200), or any member of [Bernstein Shur's Labor and Employment Group](#).