Understanding Prevailing Wage Laws in Massachusetts: Your Rights as an Employee

Services

Employment & Labor Law

- Wage and Hour / Overtime Claims

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Massachusetts workers performing certain types of work are entitled to be paid a prevailing wage, a rate determined by state or federal law based on the type of work performed and the location. Employers who fail to pay prevailing wages are in violation of both Massachusetts and federal minimum wage laws and may face significant legal consequences.

What Is the Prevailing Wage?

The prevailing wage is a rate of pay set by law for specific types of work, particularly for employees working on public construction projects or other government-funded initiatives. The prevailing wage ensures that workers are paid fairly based on the standards for their industry and geographic area.

Who Is Entitled to Prevailing Wages?

Prevailing wage laws typically apply to:

- Construction workers on public projects.
- Employees performing work funded by state or federal contracts.
- Certain service workers employed under government contracts.

Employers must adhere to prevailing wage schedules issued by the Massachusetts Department of Labor Standards or federal agencies, depending on the nature of the work and the funding source.

Employer Obligations and Violations: Failure to Pay Prevailing Wages

Employers who fail to pay workers the required prevailing wage are violating both Massachusetts and federal minimum wage laws. These violations can occur when:

- Workers are misclassified in lower-paying job categories.
- Employers ignore prevailing wage schedules.
- Employers underreport hours or deduct wages unlawfully.

These practices not only harm employees but also undermine fair competition in industries where prevailing wage laws apply.

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Legal Consequences for Employers

Employers who fail to comply with prevailing wage laws may face:

- Liability for unpaid wages with possible punitive damages including an award of three times the amount of unpaid wages and reimbursement of the employee's attorneys' fees.
- Penalties and fines under the Massachusetts Wage Act and the Fair Labor Standards Act.
- Possible criminal charges for intentional violations.

Employee Rights Under Massachusetts Wage Laws

Massachusetts provides robust protections for employees, particularly for those denied prevailing wages:

- **Treble Damages and Attorneys' Fees**

The Massachusetts Wage Act entitles employees to pursue triple the amount of unpaid wages and reimbursement for attorneys' fees. This applies even if the employer later pays the wages owed.

- **Protection from Retaliation**

Employees who assert wage complaints are protected under both Massachusetts and federal law. Employers cannot terminate, demote, or retaliate against workers for reporting wage violations or cooperating with investigations.

- **Class Action Lawsuits**

When large-scale violations occur, employees may pursue a class action lawsuit against their employer. Class actions allow groups of workers to collectively seek compensation for unpaid wages and ensure that widespread violations are addressed.

The Importance of Legal Representation

Wage disputes can be complex, and employers often attempt to defend their practices with incomplete or misleading documentation. Securing legal representation is essential to protecting your rights and maximizing your recovery.

How Cohen Cleary, P.C. Can Help:

- Investigating your employer's wage practices to determine if violations occurred.
- Calculating the full amount of unpaid wages, including prevailing wages and benefits.
- Filing claims for treble damages and attorneys' fees under the Massachusetts Wage Act.
- Representing employees in class action lawsuits for large-scale violations.
- Protecting workers from retaliation and ensuring compliance with anti-retaliation laws.

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Contact Cohen Cleary, P.C. for a Complimentary Case Consultation

If your employer has failed to pay you the required prevailing wage or violated Massachusetts or federal wage laws, Cohen Cleary, P.C. is here to help. Our experienced attorneys will evaluate your case, explain your rights, and advocate for the compensation you deserve.

Call us today at **508-880-6677** to schedule a complimentary case consultation. Let us help you stand up for your rights and ensure fair treatment in the workplace.

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