

Discrimination and Retaliation

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Overview

Workplace discrimination is often difficult to recognize in isolation. Incidents that appear minor individually can constitute actionable discrimination when viewed as a pattern, and retaliation claims frequently arise independently of whether the underlying complaint had merit. Both Massachusetts and Rhode Island provide employee protections broader than federal law in key respects. In Massachusetts, complaints are filed with the Massachusetts Commission Against Discrimination (MCAD); in Rhode Island, the equivalent agency is the Rhode Island Commission for Human Rights (RICHR). Both impose filing deadlines that, if missed, can foreclose otherwise viable claims. Cohen Cleary represents employees in discrimination and retaliation matters at every stage, from agency proceedings through litigation.

Fighting Workplace Discrimination with Clarity and Action

Discrimination at work does not always announce itself. It surfaces in a pattern of passed-over promotions, in the sudden shift in assignments after a medical disclosure, or in hostile comments that management treats as harmless. Race discrimination at work may appear in hiring patterns or disciplinary disparities. Age discrimination in employment often disguises itself as a “restructuring” that disproportionately affects senior employees. Disability discrimination on the job can take the form of a denied accommodation request the employer never seriously evaluated. Pregnancy discrimination frequently emerges through sudden changes in responsibilities or scheduling after an employee discloses a pregnancy. Retaliation can be even harder to identify in the moment: the performance review that turns negative weeks after an internal complaint, the schedule change that makes your position untenable. Massachusetts law provides broader protections than federal statutes, covering categories and employer sizes that Title VII does not reach. But these protections carry strict procedural timelines, and failing to act within them can permanently close the door to relief.

How We Help Employees Facing Discrimination and Retaliation

Our approach to discrimination and retaliation cases begins well before any complaint is filed. We evaluate the facts against the specific legal standards that apply to your situation because the analysis for a failure-to-accommodate disability claim is fundamentally different from a disparate impact challenge, even when the outcome feels the same to the employee. As an employment discrimination lawyer handling claims across Massachusetts, we focus on identifying every viable theory of recovery and building the evidentiary foundation early.

- Assess your claims under Massachusetts General Laws Chapter 151B and applicable federal statutes to identify every viable theory of liability, including hostile work environment, disparate treatment, and failure to accommodate

- Advise on whether to file with the Massachusetts Commission Against Discrimination (MCAD), the EEOC, or both, based on the procedural advantages each forum offers
- Preserve and organize evidence, including personnel records, communications, and witness accounts, before the employer can curate the file
- Negotiate resolution where appropriate, and prepare for litigation in Superior Court or federal court when negotiation fails to produce an acceptable result
- Pursue the full scope of available remedies, including back pay, front pay, emotional distress damages, and attorneys' fees, ensuring your claim reflects the actual harm suffered

Why Employees Choose Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our employment discrimination work, this approach helps clients navigate administrative proceedings and litigation with clarity, efficiency, and confidence.

Navigating MCAD, Federal Claims, and Massachusetts Protected Classes

Massachusetts Chapter 151B covers a broader set of protected classes than federal law, including gender identity, genetic information, and veteran status. It applies to employers with

six or more employees, a significantly lower threshold than Title VII's fifteen. We tell our clients this distinction matters most for small and mid-size employers who assume federal standards are the only benchmark. The statute recognizes two distinct theories: disparate treatment targets intentional discrimination based on a protected characteristic, while disparate impact addresses facially neutral policies that fall disproportionately on a protected group without discriminatory intent. Misidentifying the theory at the outset can compromise the entire case. Our attorneys track MCAD investigator tendencies and understand how to position a complaint for certification to court when the administrative process is unlikely to produce a fair outcome.

Serving Discrimination and Retaliation Clients Across Massachusetts and Rhode Island

Cohen Cleary represents employees in discrimination and retaliation matters throughout Massachusetts and Rhode Island, with the capacity to serve clients across New England. Our offices in [Taunton](#) and [Plymouth](#) position us to handle proceedings before MCAD offices, the EEOC's Boston Area Office, and Massachusetts Superior Courts across southeastern Massachusetts. We regularly appear in Bristol County, Plymouth County, and Norfolk County proceedings and maintain familiarity with the procedural expectations of each forum. Having an MCAD lawyer with firsthand knowledge of how investigators manage case loads and evaluate evidence can make a meaningful difference in how your complaint moves through the system.

Take Action Before Deadlines Close Your Options

Retaliation claims are often stronger than the underlying discrimination claim itself, and employers frequently underestimate the independent legal exposure that retaliatory conduct creates. If you have experienced workplace discrimination or faced adverse consequences for reporting it, contact Cohen Cleary for a case evaluation. Procedural deadlines in discrimination matters are strict, and delay narrows your options.

Frequently Asked Questions About Workplace Discrimination and Retaliation

What protected classes does Massachusetts recognize beyond federal law?

Massachusetts General Laws Chapter 151B prohibits discrimination based on race, color, religious creed, national origin, sex, gender identity, sexual orientation, genetic information, ancestry, age, disability, veteran status, and membership in the armed forces. Several of these categories receive no protection under federal employment statutes, which is why state law claims are often the stronger vehicle for employees in Massachusetts. Religious discrimination in the workplace carries both accommodation and disparate treatment dimensions under state law that extend beyond federal protections.

How long do I have to file a discrimination complaint with MCAD?

You generally must file a complaint with the Massachusetts Commission Against Discrimination within 300 days of the discriminatory act. If you also want to preserve a federal EEOC claim, dual filing is available, but the timelines differ. Missing the MCAD deadline typically bars your

state administrative claim entirely, so prompt evaluation is critical.

Do I need to file an HR complaint before pursuing legal action?

No. Massachusetts law does not require you to exhaust internal employer grievance procedures before filing with MCAD or pursuing litigation. In some cases, filing an internal complaint can be strategically useful for building a record. In others, it gives the employer advance notice and time to build a defense narrative. The right approach depends on your specific facts.

Can I be fired for complaining about discrimination even if my original complaint was wrong?

Retaliation claims do not require you to prove the underlying discrimination claim. If you made a good-faith complaint about conduct you reasonably believed was discriminatory, your employer is prohibited from taking adverse action against you for raising that concern. This is why retaliation claims frequently succeed even when the original discrimination allegation is difficult to prove.