

Responsibility for Compliance and Keeping Workers Safe

Beware of working with unscrupulous agencies engaging in illegal behavior, such as paying a worker less than the statutory minimum wage, or supplying workers to you who do not have the proper licensure or certification required to perform a job. These are illegal activities that will be prosecuted by the Office of the Attorney General's Fair Labor Division, and violations may result in fines of up to \$25,000.

Temporary staffing agencies and worksite employers share responsibility for keeping temporary workers safe. Agencies and worksite employers must work together to inform temporary workers about job hazards and provide general and site-specific training.

DLS inspects the records and premises of employment, placement, and staffing agencies and investigates complaints. If you have a complaint about an agency's business practices, please contact the DLS' Employment, Placement, and Staffing Agencies Program at 617-626-6970.



Department of Labor Standards
19 Staniford Street, 2nd Floor
Boston, MA 02114
617-626-6975
www.mass.gov/dols

You can also file a complaint by completing a complaint form which is available at www.mass.gov/dols/epsap

The Employment, Placement, and Staffing Agencies Program protects the rights of workers being placed by employment, placement and staffing agencies, and ensures that these agencies use fair, ethical, and legal business practices. The program also seeks to assist employment, placement, and staffing agencies to comply with their legal obligations under Massachusetts law by being a resource for them in helping them to navigate the Employment Agency Law and the Temporary Workers Right to Know Law. Violations of the TWRKL are enforced by the Office of the Attorney General Fair Labor Division.

For more information about the TWRKL, please visit www.mass.gov/dols/epsap

Information for Worksite Employers Using Employment, Placement, or Staffing Agency Services



Executive Office of Labor
and Workforce Development
Department of Labor Standards

Information for Worksite Employers Using Employment, Placement, or Staffing Agency Services

Many employers rely on the services of employment, placement, and staffing agencies to help them meet short-term staffing needs or to help them find the right person for a job. If you are thinking of working with an employment, placement, or staffing agency, there are a few things that you should know:

- Employment, placement, and staffing agencies are regulated by the Commonwealth of Massachusetts and must be either licensed or registered in accordance with the Employment Agency Law (M.G.L. c. 140, §§46A-46R). You should only work with agencies that are properly licensed or registered. For a list of licensed and registered agencies, please visit www.mass.gov/dols/epsap.

- The Temporary Workers Right to Know Law (“TWRKL”) at M.G.L. c. 149, §159C, sets out certain obligations for staffing agencies and their client companies or “worksite employers.” These obligations are designed to give temporary workers basic information about the jobs and assignments to which they are being sent. The Department of Labor Standards (DLS) administers TWRKL by interpreting the law, conducting inspections and investigations, and engaging in compliance assistance for the business community. In addition to requiring that temporary workers be provided with a set of information for each new assignment, the TWRKL also prohibits staffing agencies and worksite employers from charging certain fees, requires the staffing agency to post a notice prescribed by DLS, and prohibits an agency from engaging in certain activities.

Staffing agencies are required to provide certain information to workers about their job assignments. Worksite employers can assist staffing agencies by providing them with timely and complete answers to questions that agencies ask about the particular needs of the worksite employer.



Worksite Employer Obligations under the Temporary Workers Right to Know Law

*Worksite employers (and staffing agencies) may not charge fees to workers or applicants for the following:

- Registering with the staffing agency
- The cost of obtaining a job / assignment

Workers cannot be charged for other goods or services unless the worker has signed a contract in a language that the worker understands. The contract must clearly state that the purchase is voluntary and that the staffing agency will not gain a profit from the cost or fee charged to the worker.

Workers can be charged for the following, but the charge cannot exceed the actual cost per applicant or worker:

- Bank card, payroll card, voucher, etc. to pay the worker his/her wages
- Drug testing
- Criminal Offender Record Information request
- Transportation to and from the worksite that is provided by or arranged by a staffing agency or worksite employer. Provided, however, that these transportation costs cannot exceed 3% of the worker's total daily wages.

(Note: if a staffing agency or worksite employer requires the use of certain transportation services arranged or provided by the agency or worksite employer, no fee may be charged to the worker for these services.)

* The employer may be prohibited from deducting, charging, or requiring the employee to incur any of the costs of these items under M.G.L. c. 149, §§ 148 and 150, or other law or regulation.

Staffing agencies must refund reasonable transportation costs if they send a temporary worker to a job that does not exist. This does not include the transportation costs of being sent to a worksite for a job interview.

No worksite employer may charge a worker for any good or service if doing so would cause the worker to earn below Massachusetts' minimum wage.

Prohibited Activities by Staffing Agencies

A staffing agency may not:

- Knowingly give workers or applicants false or misleading information.
- Use any name it has not licensed or registered with DLS in the advertisement of its services.
- Assign or place workers by force or fraud, or for illegal purposes
- Assign or place workers where the assignment would violate child labor laws, minimum wage laws, or compulsory school attendance.
- Assign or place workers where the assignment would violate laws related to any licensure or certification.
- Assign or place workers to a location that is on strike or lockout without giving the worker notice of this fact.
- Refuse to return to a worker or applicant any personal belongings or excessive / illegal fees charged by a staffing agency or worksite employer.

