

MCAD: Complaints in the workplace go down

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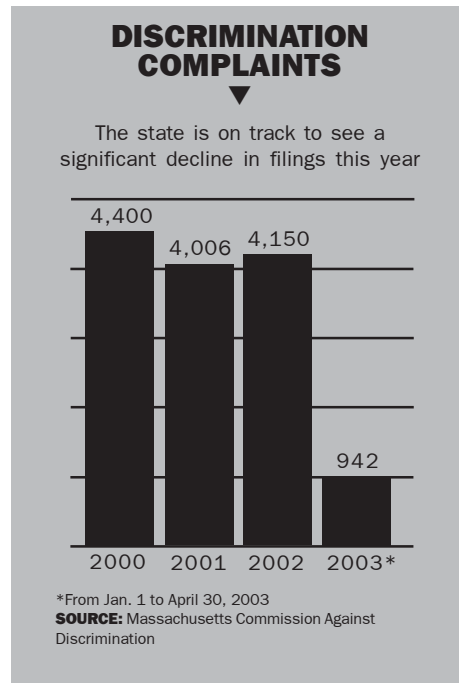
The number of complaints filed against employers is down drastically so far this year, according to the latest statistics compiled by the Massachusetts Commission Against Discrimination (MCAD).

As of April 30, only 942 complaints were filed, and if that pace continues, the office will end up with about 2,800 complaints for the year, about a 32 percent drop over 2002, when more than 4,100 complaints were filed, according to statistics compiled by Steven Locke, MCAD general counsel.

Although he's not certain why complaints are down this year, Locke says he believes more people may be taking longer to file complaints, since the statute of limitations on cases was lengthened from 180 days to 300 days last November.

However, some attorneys specializing in employment law suspect that complaints are down because more companies are requiring employees to sign releases prohibiting them from filing complaints before they will give them their severance packages.

"Many employers have caught on that they need to get a release," says Mark J.



Ventola, an attorney specializing in employment and labor law at the Boston office of Sheehan, Phinney, Bass & Green PA. "In my view, that's the only explanation why claims are down."

Complaints tend to rise in a down

economy as more employees are laid off, Ventola said.

Attorney James Bucking, who specializes in employment law at Boston-based Foley Hoag LLP, agrees that more companies are requiring such releases before handing over severance packages. Bucking noted that more companies are also starting to offer severance packages to employees they fire for just cause, and these employees are also being required to waive their rights to file complaints.

"It's the rare case today that a company would not insist on a release," Bucking added.

Workers' compensation claims also tend to rise in a down economy, but those numbers have been declining steadily for the past 10 years, according to statistics compiled by Bill Taupier, deputy director of administration at the state's Department of Industrial Accidents.

More than 30,000 claims were filed with his office in 1993. That number has declined by about 2,000 claims each year until 1998, when 19,822 claims were filed. Since then, the number of claims dropped steadily, to just 18,020 claims in 2002. Taupier's office is on track to record fewer than 18,000 claims this fiscal year, which ends June 30.