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Harrison v. Massachusetts Bay Transportation Authority

Appeals Court of Massachusetts, Suffolk - September 13, 2022 - N.E.3d - 101 Mass.App.Ct. 659 - 2022 WL 4137192

Workers, who had been hired by staffing agencies to perform information technology (IT) services for transportation authority, brought action against authority, with both alleging violation of independent contractor statute and one alleging retaliation.

The Superior Court Department dismissed claims on sovereign immunity grounds. Workers appealed.

The Appeals Court held that:

- Provision of authority's enabling statute that concerned authority's liability did not waive authority's sovereign immunity;
- Provision that granted authority power to sue or be sued did not waive authority's sovereign immunity;
- Statutes that prohibited employers from penalizing employees as result of action to seek rights and that governed classifying individuals as employees did not waive authority's sovereign immunity; and
- Public policy did not support waiving authority's sovereign immunity.