



YOUR RIGHTS AS AN IMMIGRANT WORKER

ALL WORKERS, NO MATTER WHERE THEY WERE BORN,

should be able to exercise their basic workplace rights. Unfortunately, this is not the reality for many immigrant workers, even though most federal labor and employment laws apply to and protect workers regardless of their immigration status.

Legal protections that immigrant workers have in the workplace

This brochure gives an overview of your legal rights as an immigrant worker.

Most of the rights described here apply to you *regardless of your immigration status*. However, your rights during the *I-9 employment eligibility verification process* depend on whether you have legal authorization to work in the United States.

RIGHTS TO MINIMUM WAGE, TO OVERTIME, AND TO BE PART OF A UNION

You have the right, regardless of your immigration status:

- To be paid the federal minimum wage of \$7.25 an hour or any higher state or local minimum wage. The U.S. Department of Labor has a map that shows the minimum wage in your area:
www.dol.gov/whd/minwage/america.htm
.....
- To be paid the overtime rate of 1.5 times your regular rate of pay for all hours worked beyond 40 hours per week and, in some states, for all hours worked beyond 8 hours per day. (NOTE: Some workers, including certain farmworkers, certain workers who get tips, and certain executive, administrative, and professional workers, may not have to be paid the minimum wage or overtime.)
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- To act together with other workers to improve your pay and working conditions or fix job-related problems.
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- To form, join, or assist a labor union.
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- *Not* to have your employer retaliate by taking a negative action against you because you challenge violations of any of the workplace rights described in this brochure.

RIGHT TO WORK FREE FROM DISCRIMINATION

You have the right, regardless of your immigration status, to work free from discrimination based on your race, color, national origin, religion, sex, pregnancy, age, disability, genetic information and, in some states and localities, your sexual orientation and gender identity.

These rights apply in most workplaces, though they may vary depending on the size of your employer and whether or not you work for a government agency or office.

Your right to work free from discrimination also applies to these situations you may encounter as an immigrant worker:

- **Speaking English “with an accent.”** Your employer may make an employment decision about you based on how you speak English only if communicating effectively in English is required to perform your job and your accent seriously interferes with your ability to communicate.
- **Speak-English-only rules.** An employer’s rule that you may speak only English at work is a violation of the law, *except in certain circumstances*. Your employer may require employees to speak only English
 - > when communicating with customers or coworkers who only speak English
 - > during emergencies or in other situations when speaking the same language as your coworkers is necessary for safety reasons
 - > when you’re working on a task with coworkers that can be done more efficiently if everyone speaks only English

RIGHTS DURING THE I-9 EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS



RIGHT TO A SAFE WORKPLACE

You have the right, regardless of your immigration status, to a healthy and safe workplace free from hazards that could cause you serious physical harm. Your employer also must follow all the particular safety and health standards that apply to your type of job and workplace.

To make sure you have a healthy and safe workplace, you also have the right to:

- File a confidential complaint with the Occupational Safety and Health Administration (OSHA) to have your workplace inspected.
- Get information and training, in a language you can understand, about hazards, ways to prevent harm, and the safety standards that apply to your workplace.
- Get copies of any results from tests done to find hazards in your workplace.
- Review records of work-related injuries and illnesses that happened in your workplace.
- Get copies of your workplace medical records.
- Participate in any safety inspection of your workplace, and speak to an inspector in private.

Employers are required to verify the identity and employment eligibility of all newly hired workers. To show that they have done this, employers must have you fill out and sign an I-9 Employment Eligibility Verification Form *after* you are hired. Unlike all of the other rights described in this brochure, *your rights during the I-9 process depend on whether you are authorized to work in the U.S.*

Certain workers who are authorized to work in the U.S. have legal protections against discrimination during the I-9 process:

- **Citizenship status discrimination.** For most jobs, an employer may not reject you for employment or fire you because you are not a U.S. citizen or because of your immigration status or type of work authorization. This protection applies only to U.S. citizens, lawful permanent residents, lawful temporary residents, refugees, and people who have been granted asylum.
- **National origin discrimination.** An employer may not reject you for employment or fire you based upon your place of birth, ancestry, native language, or accent. This protection applies to all workers authorized to work in the U.S.
- **Document abuse.** It is up to you to decide which documents (of those listed on the I-9 form) to show during the I-9 process. Your employer should not ask you for more or different documents than the I-9 form says are required or refuse to accept documents that reasonably appear genuine and that relate to you. All workers authorized to work in the U.S. are protected from this type of “document abuse.”

HELP TO ENFORCE YOUR WORKPLACE RIGHTS

U.S. Department of Labor

<http://www.dol.gov/whd>
(for help with minimum wage, overtime,
and other wage issues)

<https://www.osha.gov>
(for help with health and safety issues)

U.S. Equal Employment Opportunity Commission

<http://www.eeoc.gov>
(for help with employment discrimination)

National Labor Relations Board

<https://www.nlrb.gov>
(for help if you are working with coworkers
to improve your pay or working conditions,
including by forming a labor union)

National Immigration Law Center

http://www.nilc.org/workers_rights.html



**NATIONAL
IMMIGRATION
LAW CENTER**

The National Immigration Law Center is the primary legal advocacy organization in the U.S. exclusively dedicated to defending and advancing the rights and opportunities of low-income immigrants and their families. We focus on key issues that affect low-income immigrants' lives, including access to health care, economic support programs, and education; workers' rights; and immigration reform and enforcement policies. To advance our mission, we use multiple, integrated strategies: litigation, advocacy, and strategic communications. And through trainings, publications, and providing legal counsel and advice, we also educate a wide range of audiences about legal and policy matters that affect immigrants.