



KNOW YOUR RIGHTS

***A Guide to
Workplace
Rights for
Immigrants***

Federal and state civil rights laws protect all workers from discrimination and harassment on the basis of race, color, gender, religion or national origin. Workers have the right to be safe in the workplace. Private and government employers must ensure that their workers are not exposed to violence, harassment or unhealthy work conditions.



What are my rights as a worker?

Although all workers are entitled to protection on the job, your immigration status may limit some workplace rights. Here are a few rights that apply to **every worker regardless of immigration status**:

- Even before you get hired, certain rights apply. Titles VII of the Civil Rights Acts of 1964 forbids employers from discriminating on account of your race, gender, religion or national origin during the hiring process as well as after you are hired. For example, employers cannot refuse to hire you because you have a foreign name. However, employers may choose not to hire you because they prefer a better qualified candidate.
- The same law protects you from being harassed on the job. Your employer should not allow other workers or customers to make comments about your culture or religion in a way that makes you feel unwelcome to work.
- You have the right to get paid for your work, regardless of your immigration status. If you perform the same job as other workers, the Equal Pay Act requires your employer to pay you equally. Contractors such as construction workers have the right to be paid a fair price or the going rate for their work.
- If you have a disability, the Americans with Disabilities Act requires your employer to make reasonable accommodations for you. Your employer should try to make changes to your work area to help you do your job successfully unless making the changes will cost your employer too much to afford it reasonably.
- Your employer must provide you a workplace that does not put your health or safety at risk. Common work safety concerns that can cause illness or physical harm include extreme room temperatures, constant loud noise, poor ventilation or unguarded machinery.



What should I do if I think my rights have been violated?

Here are options to consider:

- Your company may have a process for reporting workplace harassment or discrimination. Most companies' policies require workers to first report the problem to their supervisor. If that does not resolve the issue, consider reporting to the human resources manager.
- The federal Equal Employment Opportunity Commission is responsible for enforcing federal civil rights laws when employers violate employment protections. Most states also have a commission that enforces state laws against workplace discrimination. Contact federal and state agencies immediately to file a complaint. Most agencies only give six months from the date of the incident to file your complaint. They will investigate complaints regardless of your national origin, race or religion.
- Do not be afraid of revenge if you report your employer's illegal actions. Federal laws and most state laws prohibit firing you or threatening to deport you for filing a complaint against them.
- You may also consult an attorney to help file a complaint with government agencies and to discuss other legal options you may have.



Can immigration officers come to my workplace?

Yes, but only with permission from the employer or business owner. If your workplace has a union, check to see if your union has an agreement with your employer to not permit immigration officers on the job site without a warrant. If the employer allows immigration officers to enter, they may ask questions about your immigration status. Whether you have work authorization papers or not, you still have certain rights when interacting with immigration officers on the job. Here are a few important things to keep in mind:

- Do not run from an officer or resist arrest. Resisting arrest or stopping immigration officers from arresting someone can lead to criminal charges against you. Remain calm and be polite.

- If the officer asks you questions, you have the right to not answer. You may decline to provide any documents about your immigration status. You may choose to give only your name to the officer so that your family may be able to locate you if you are arrested.
- If you have a lawyer, keep his/her business card with you and show it to the officer who is asking questions. Tell the officer that you wish to speak to your lawyer before providing any information.
- If the officer gives you a document to sign, you have the right to refuse to sign it and ask to talk to your lawyer about the document.
- Never give false information, including ID, to any immigration officer. Doing so could lead to serious legal problems including deportation.

Additional resources and where to file a complaint

Department of Justice Office of Special Counsel for Immigration-Related Unfair Employment Practices

www.justice.gov/crt/office-special-counsel-immigration-related-unfair-employment-practices

File a complaint: www.justice.gov/crt/filing-charge | 800-255-7688

Equal Employment Opportunity Commission

www.eeoc.gov

File a complaint: www.eeoc.gov/employees/howtofile.cfm | 800-669-4000

Americans with Disabilities Act

www.dol.gov/general/topic/disability/ada

File a complaint: www.ada.gov/filing_complaint.htm | 202-307-1197

Equal Pay Act

www.eeoc.gov/laws/statutes/epa.cfm

Occupational Safety and Health Administration

www.osha.gov/Publications/osha3021.pdf