

# MIGRANT RIGHTS: WORKPLACE

## You have the right...

### To be paid:

- All workers in the U.S. have the right to be paid the equivalent of a minimum of \$7.25 an hour.
- In most instances, workers have the right to receive overtime pay (time and a half) for work over 40 hours a week.
- In most instances, workers have the right to be paid for the hours spent learning the job/in training.

### To organize:

- In most workplaces, it is illegal for an employer to punish or threaten workers for organizing with others to improve their working conditions.

### To safety on the job:

- All workers are protected by workplace health and safety laws at their worksites.
- It is the responsibility of the employer to fix safety issues promptly.
- Employers must provide job training in a language fully understood by employees.

### To freedom from harassment and discrimination at work:

- No-one at your workplace has the right to discriminate or harass you on the basis of your race, color, religion, age, disability, national origin, sex, or pregnancy. It is also illegal for an employer or co-worker to harass, taunt and bully or haze an employee.

### To benefits if injured on the job:

- You are entitled to the protections of state workers' compensation laws to cover the amount of time you cannot work due to an injury on the job.
- Reports related to workers' compensation must be made within 10 days of the incident/injury

### To report violations of labor laws:

- You have the right to report any violations of the above labor rights to the agencies and community partners listed on this document
- It is illegal for an employer to retaliate against you for reporting these conditions.

### ALL IMMIGRANT WORKERS WITH EMPLOYMENT AUTHORIZATION ALSO HAVE THE RIGHT:

#### To begin work without a Social Security card:

- If you do not have your Social Security card but can provide documentation of employment authorization, you have the right to begin working.
- Employers who use the E-Verify system can bypass requests for an employee Social Security number until the employee is able to provide this information. Once the employee provides their Social Security number, the employer does not have the right to re-verify your employment authorization at any time after initial hire.

#### To choose which documents to show your employer:

- Your employer cannot demand that you show them a "green card" or any other document not listed in lists A, B, and C on the I-9 form

### Employees vs. Contractors

Workers can be classified as either employees or independent contractors. Independent contractors are not guaranteed the rights listed on this sheet. Some employers misclassify employees as independent contractors to avoid taxes or employment laws. Ask yourself the questions below to understand which category you should belong to:

- Does my employer decide my working hours?
- Does my employer provide my tools/materials for work?
- Does my employer choose what I wear to work?
- Did I complete a W-4 form (for taxes) when I started working?

If you answered "Yes" to most of the above questions, you may be an employee. If you answered "No" to most of the above questions, you may be an independent contractor. If you have questions about classification or if you think you have been misclassified, contact the community resources listed on the back of this document.

# Resources

All resources listed here provide free or low-cost services, are language accessible, and available to all regardless of legal status.

## Reporting Violations:

You may report a labor rights violation over the phone, in person, online, or by a paper form/mail. Every agency may have different requirements for reporting. Please refer to the following list of federal and state agencies.

In general, you should gather the following important information in order to make a report:

- Your name and contact information.
- Date and place of incident.
- Employer's information - including the company name and address
- A short but detailed description of what happened to violate your rights.

\* Please note that reporting violations may result in illegal retaliation from some employers. It is always best to consult with an attorney before taking any legal action

## Community Organizations:

### Free attorney representation for low wage workers:

[Loyola College of Law | The Workplace Justice Project](#)  
(504) 861 5578 - Leave a message when prompted and an attorney will return your call within 48 hours  
540 Broadway Street New Orleans, LA 70118  
[www.wjpnola.org](http://www.wjpnola.org)

### Advocacy organization for migrant laborers and community:

[New Orleans Workers' Center for Racial Justice | Congreso de Jornaleros](#)  
(504) 309-5165 217 N. Prieur St. New Orleans, LA 70112  
[www.nowcrj.org](http://www.nowcrj.org)

## Government Organizations:

### To report Worker's Compensation violations:

[Louisiana Workforce Commission \(LWC\)](#)  
(225) 342 - 3111  
1001 N. 23rd Street  
Baton Rouge, La, 70802  
[wcdistrict8@lwc.la.gov](mailto:wcdistrict8@lwc.la.gov)  
[www.laworks.net](http://www.laworks.net)

### To report discrimination based on citizenship, immigration status, national origin, and unfair documentary practices:

[U.S. Department of Justice | Immigrant and Employee Rights Section \(IER\)](#)  
Hotline: 1-800-255-7688  
[ier@usdoj.gov](mailto:ier@usdoj.gov)  
[www.justice.gov/crt/immigrant-and-employee-rights-section](https://www.justice.gov/crt/immigrant-and-employee-rights-section)

To file a complaint online:  
<https://www.justice.gov/crt/filing-charge>

### To report discrimination based on race, color, religion, national origin, sex, gender, and pregnancy:

[U.S. Equal Employment Opportunity Commission \(EEOC\)](#)  
1-800-669-4000  
500 Poydras Street, Suite 809  
New Orleans, LA 70130  
[www.eeoc.gov](http://www.eeoc.gov)  
To file a complaint online:  
[www.eeoc.publicportal.gov](http://www.eeoc.publicportal.gov)

### To report minimum wage and overtime violations:

[U.S. Department of Labor | Wage and Hour Division](#)  
Help Line: 1 (866) 487-9243  
New Orleans Office: (504) 589-6171  
600 South Maestri Place, Room 615  
New Orleans, LA 70130  
[www.dol.gov/whd/](http://www.dol.gov/whd/)  
To file a complaint online:  
<https://www.justice.gov/crt/filing-charge>

### To report unsafe working conditions:

[U.S. Department of Labor | Occupational Health and Safety Administration \(OSHA\)](#)  
Helpline: 1 (800) 321-6742  
Baton Rouge Office: (225) 298-5458  
9100 Bluebonnet Centre Blvd, Suite 201  
Baton Rouge, Louisiana 70809  
[www.osha.gov](http://www.osha.gov)  
To file a complaint online:  
[https://www.osha.gov/workers/file\\_c\\_omplaint.html](https://www.osha.gov/workers/file_c_omplaint.html)