

IMMIGRANT WORKERS HAVE RIGHTS!

Everyone who works in Pennsylvania has rights. Your immigration status *does not matter.*

Wages

- You have the right to be paid for all of the hours that you work or are required to be at work.
- You have to be paid at least \$7.25 per hour for every hour that you work.
- Most workers have the right to be paid “overtime” for any hours that you work over 40 in a week. Overtime is 1½ times your normal pay. (Farmworkers and live-in domestic workers are excluded.)
- Employers cannot deduct money from your paycheck for broken equipment or materials! Only certain deductions are permitted, such as taxes, union dues, and healthcare contributions.
- You must be paid for your last weeks of work, even if you were fired!
- You must receive a pay stub each week that lists your hours worked, money earned, and deductions.
- Most people that work for a company are *employees*. Don’t let your boss call you an independent contractor to avoid paying you the minimum wage or overtime!

Health and Safety

- You have the right to a healthy workplace.
- You have the right to receive training in your language about hazards, preventing injury, and workplace standards. You have the right to safety equipment.
- If there is a danger at your workplace, call OSHA and they will investigate at 215-861-4900. You can file an anonymous complaint with OSHA.
- If you are injured at the workplace, under the law it is your employer’s responsibility to pay for your medical bills. This applies even for undocumented immigrants.
- If you are out of work for over one week because of a workplace injury, your employer should be paying you a portion of your salary. Speak with a workers’ compensation attorney if you are injured.
- Let your employer know if you have been injured at work.

Earned Sick Leave

In Philadelphia only you have the right to earn and use sick leave at your job

- You must earn one hour of sick leave for every 40 hours that you work.
- If you work for a company that has 10 or more employees, your sick leave should be paid. If you work for a smaller company, your sick leave is unpaid.
- You can start using your sick leave 90 days after you start working.
- If you are denied sick leave, you can file a complaint by visiting:
<http://www.phila.gov/MDO/Pages/PaidSickLeave.aspx>



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Discrimination

It is illegal for your employer to treat you differently because of your:

Race, Color, Age (if you are over 40), National Origin, Religion, Sex/Gender, Disability, Pregnancy, and Sexual Orientation (in Philadelphia only).

- This means you cannot be fired, paid less, harassed, or be given different work because of any of these traits.
- It is illegal for your employer to allow sexual harassment at the workplace. If you are being harassed on the job, tell the harasser to stop, let a supervisor know it is happening, and get legal help.

If you have been discriminated against at work, you need to file a claim very quickly. Call:

- Equal Opportunity Employment Commission (must file within 300 days) – 800.669.4000
- Pennsylvania Human Relations Commission (must file within 180 days) – 215.560.2496
- Philadelphia Commission on Human Relations (must file within 240 days) – 215.686.4670

Human Trafficking

Migrant workers and undocumented workers are sometimes the victims of human trafficking. If you or someone you know is working under these conditions, s/he could be a victim of human trafficking:

- Working “for free” to pay off a debt.
- Working under physical or psychological coercion.
- Working for excessive hours for little pay, with no freedom of movement.
- Employer is holding your passport or other documents.

There are programs that can help victims of trafficking with housing and other needs, and victims can be eligible for special immigration status.

Anti-Retaliation

- It is illegal for your employer to fire you or take any adverse action against you because you filed a claim under any of the laws discussed in this document.
- Serious threats from an employer can be a crime. Speak to a lawyer if this has happened to you.

Organize!

- You have the right to join a union without being fired. You have the right to join with your co-workers to demand better working conditions!

If You Need Help, Contact:

Community Legal Services – 215.981.3700

Philadelphia Legal Assistance – 215.981.3800

Friends of Farmworkers – 800.729.1607



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