

IMMIGRANT WORKERS HAVE RIGHTS!

Immigrant workers - documented or undocumented - have rights under wage and hour and antidiscrimination laws, and are protected against retaliation.

YOUR EMPLOYER MUST PAY YOU FOR ALL HOURS WORKED

Undocumented workers have the right to be paid for all hours worked. Even if you are undocumented, your employer may not:

- Pay you less than other workers or less than the minimum wage (\$7.25 per hour);
- Refuse to pay you overtime;
- Withhold pay because you don't have permission to work or a Social Security Number.

For further information on wage and hour laws, see our **Wage Theft Is Illegal Fact Sheet**.

YOUR EMPLOYER MAY NOT ILLEGALLY DISCRIMINATE

Undocumented workers have the right to work free from illegal discrimination and harassment:

- Your employer cannot treat you differently because of your citizenship or because you are from a particular country or part of the world, because of your accent, or because you appear to be of a certain ethnic background (even if you are not).
 - But an employer may refuse to hire or terminate you if you lack valid work authorization.
- Sexual harassment is a form of illegal sex discrimination. If you are sexually harassed at work, tell the harasser to stop, let a supervisor or other manager know, and get legal help.

For more information about your right to be free from discrimination and harassment at work, see our **Employment Discrimination Fact Sheet**.

YOUR EMPLOYER MAY NOT RETALIATE AGAINST YOU

The risk of retaliation is one faced by all employees who raise a legal complaint against their employer, and undocumented workers face increased risks:

- Your employer could report or threaten to report you to ICE. Although most don't report, ICE can follow up on an employer's report and try to deport you.
- If you used false information or documents to get your job, you may be charged criminally, fined, or deported, and/or prevented from returning to the United States.
 - These penalties apply even if you are married to a U.S. citizen, have U.S. citizen children, or have lived in the U.S. for many years.
- If an employer retaliates against you, it might give you a pathway to a visa. Consult a lawyer.

Contact Us:
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Undocumented workers face increased risks of retaliation when filing a complaint against their employer, and should seek the advice of a community organization or attorney before taking action.

YOU CAN FILE A CLAIM AGAINST YOUR EMPLOYER

- Seek the advice of an attorney knowledgeable about employment and immigration law who can properly assist you in deciding whether and how to file a claim.
- If you are undocumented, you should carefully consider your risks:
 - Consider whether your employer has threatened you, knows that you are undocumented, or has ever reported/threatened to report co-workers who enforced their rights. If your employer has threatened you or others you may be eligible for a visa (see below).
 - Do not discuss your immigration status at work or carry false documents with you.

WHAT TO DO IF ICE COMES TO YOUR WORKPLACE

- If ICE comes to your workplace, do not answer any questions, even questions that seem innocent, like “where were you born?”
- Never sign any paper that ICE gives you.
- You have the right to remain silent and you have the right to speak with a lawyer at all times.
- You do not have the right to a court-appointed lawyer if you are detained by ICE, so you should at the very least carry a card with the name and number of a lawyer who can take your calls.

RELIEF FOR VICTIMS OF FORCED LABOR

- Migrant and undocumented workers are sometimes the victims of forced labor (also called human trafficking). Signs of forced labor include:
 - Working “for free” to pay off a debt.
 - Working under physical or psychological intimidation (threats to call ICE if you complain).
 - Working for many hours for little pay, with no freedom of movement.
 - Employer is holding your passport or other documents.
- If you or someone you know are working under conditions that might be forced labor, seek the help of a community organization or attorney.
- There are programs that can help victims of forced labor/trafficking with housing and other needs, and victims can be eligible for special immigration status.



Questions? Contact CLS at (267) 225-6564.