

KNOW YOUR RIGHTS

Your Legal Rights in the Workplace

FACTSHEET OF THE "PROTECTING WORKERS WHO EXERCISE RIGHTS" PROJECT OF THE NATIONAL COSH NETWORK

There are many laws that protect your rights when you work in the United States. It is important to know your rights so you can tell if your employer is following the law. This information tells you what your legal rights are, and where to go for help when you have problems.

All workers are protected by these laws, even if you don't have legal immigration papers. If you work on a farm, the laws that protect you are different than the laws described here.



You have a right to:

- a job that is safe and free from dangers
- get paid for your work
- get paid extra for working more than forty hours a week
- get help when you are hurt on the job
- be treated fairly by your employer
- protection regardless of your legal status

Your Job Should Be Safe!

Your job is supposed to be safe and if there are any dangers, your employer has to fix them. In the United States, the Occupational Safety and Health Agency (OSHA) enforces safety laws for workers.

The law says that your employer has to give you training to tell you about the dangers where you work, and how to be safe while doing your job. Some examples are:

- working with machines
- working with chemicals
- work in high places
- when you work with human blood and body fluids.
- doing work in holes or trenches that are more than four feet deep

If you need special equipment to protect you when you work, your employer should pay for it.



You Can Refuse Work that Is Not Safe

If your employer asks you to do something that you think might badly hurt you or kill you, you have a right to refuse to do that work. But don't quit or leave the job!! You have to offer to do other work in another area to keep your legal rights.

If you do that, your employer is not allowed to fire you. If they do fire you, you might be able to get your job back later.

Report Unsafe Work to OSHA

If you think that your job is not safe for you or a co-worker, you could talk to your supervisor first about the problem. If they don't solve the problem, you can make a complaint to OSHA about the problem. You can ask them to come and inspect your workplace. They will not tell your employer they are coming. You can also call OSHA even if you haven't complained to a supervisor first.

It is best if you put your name on the complaint form, but you can ask OSHA not to tell your employer your name, and they won't tell them. You can get the form from OSHA or from your local COSH group. If there is a union where you work, your case will be stronger if you file a grievance as well as an OSHA complaint.

If you want to file a complaint, ask your local COSH group for information about how to do it and get the best results. Look at the resource numbers on page 4 to find out who to call. To help OSHA, workers should document all illnesses and injuries related to work.

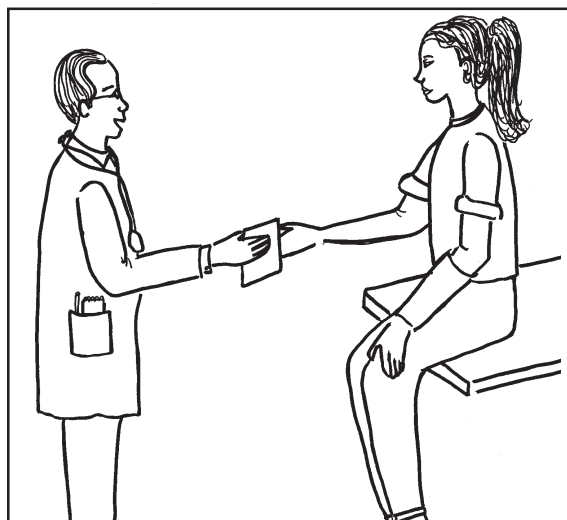
When OSHA Inspects Your Workplace

If you have a union where you work, you have the right to choose a representative to walk around with the OSHA inspector to show them the problems. The boss can't choose this person. Whether or not there is a union, you have the right to talk privately with the OSHA inspector about any concerns you have about safety and health conditions at your job.



You Should Not Get Fired for Reporting Safety Problems at Work

The law says that you should be able to talk to your supervisor or boss about unsafe conditions and that they are not allowed to discriminate against you for that. They are not supposed to fire you, demote you, give you dirty work, or punish you in any other way for making suggestions or for taking action for yourself or for a co-worker. You should not be treated differently from your co-workers.



If this does happen to you, you can file a "whistle blower" complaint with OSHA. Sometimes, you can get your job back and your employer may have to pay you any wages you lost. You have to file your complaint within 30 days, or you can lose your rights. Ask your local COSH group if they have a free fact sheet about your whistleblower legal rights.

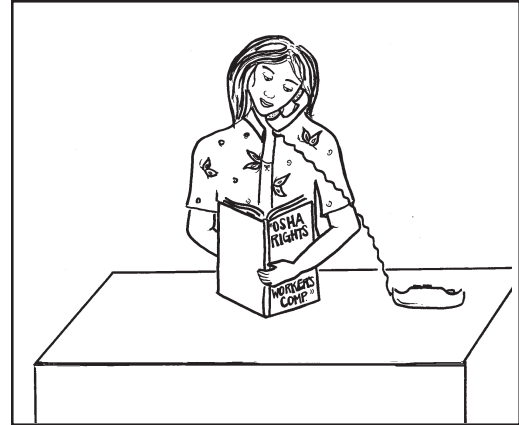
To reach OSHA, call 1-800-321-OSHA to get connected to the OSHA office nearest you.

If You Get Hurt on the Job

If you get hurt on the job, your employer should pay all of your medical bills, including travel to and from the doctor. If you miss work for more than seven working days, they should also pay for most of your lost wages—2/3 of wages that you lost while you were out in most states. These payments are called workers' compensation benefits.

You should not have to use your own health insurance! You should not have to use your own sick time or vacation time (if you have it), except for the first seven days.

You should also report your injury or sickness to the agency in your state which handles workers' compensation claims. Do this in addition to filing a claim with your employer's insurance company. This will help protect your rights later if you have trouble with your employer. Ask your local COSH group if they have a fact sheet about your rights under your state's workers' compensation law.



Your Wages

The U.S. minimum wage is \$5.15/hour (in some states it is higher) — your employer cannot pay you less than that unless you work at a restaurant and make money from tips, or you get paid by the piece.

If you work more than 40 hours in a week, your employer has to pay you over-time, or 'time and a half' for each hour over 40 hours worked. If you usually make \$6.00/hr, they should pay you \$9.00/hr for each hour over 40 hours. They are not allowed to pay you from two different accounts to avoid this if you are doing only one job! If you think that you are not being paid fairly, or you have not been paid for your work, call the Wage and Hour Division at the U.S. Department of Labor.

Work Together with Your Co-workers!

The National Labor Relations Act (NLRA) protects you when you take action with other co-workers. Some examples of protected activities: you can work together with your co-workers to protest too many overtime hours, ask for a pay raise, or talk about safety problems at work. To be protected by this law, you have to make it clear to your employer that you are acting on behalf of a group of your co-workers, not just yourself. Otherwise, you might be fired. You are protected under the NLRA regardless of your immigration status (whether or not you have papers).

Be careful! — use your common sense. Although the information on these pages is about your rights, be careful and talk only with co-workers that you trust. We recommend getting help if you want to organize a union in your workplace. A union will give you the strongest protection against retaliation for taking action to improve your working conditions.

You Should Be Treated Fairly

It is against the law for your employer to discriminate against you because of your race, color, sex, religion, age, physical disability, or national origin. If you think that your employer is discriminating against you, you can call the Equal Employment Opportunity Commission for more information or to file a complaint.



To Get Help

For help about all of these topics, call:
Your local COSH group. (To find the COSH group nearest you, call NYCOSH:
Phone #: (212) 627 3900

To report safety and health problems at work, call:
U.S. OSHA: 1-800-321-OSHA
Local phone #:

To file a whistle blower complaint, call:
U.S. OSHA: 1-800-321-OSHA
Local phone #:

If you've been hurt on the job, call:
State Agency:
Local phone #:

If you have not gotten paid for your work, call:
U.S. Dept. of Labor, Wage and Hour Division
Local phone #:

If you are discriminated against for working together with co-workers, call:
National Labor Relations Board (NLRB)
Local phone #:

If you've been discriminated against because of your race, color, sex, religion, age, handicap or national origin, call:
Equal Opportunity Employment Commission
Local phone #:

What Are COSH Groups

The COSH groups (Committees on Occupational Safety and Health) are private, labor-based non-profit groups which work to educate workers about their rights and to fight for better laws to protect workers. COSH groups are not government agencies.

Your local COSH group is:

This material has been funded in whole or in part with federal funds from the Occupational Safety and Health Administration, U.S. Department of Labor, under grant number 46A7-HT51. These materials do not necessarily reflect the views or policies of the U.S. Department of Labor, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.