



KNOW YOUR RIGHTS:

Immigrant Workers' Rights

Facts from the NC Justice Center's WORKERS' RIGHTS PROJECT

► YOUR RIGHTS as an immigrant worker

Immigrant workers are protected by the same laws as other workers in the United States. This is true even if you are undocumented.

Your Rights include:

Minimum Wage – You have the right to be paid the minimum wage for every hour you work. (There are a few exceptions. For example, workers on very small farms can make less than the minimum wage.)

Overtime Pay – You have the right to overtime pay when you work more than 40 hours in a week (except for farmworkers and a few others).

Health and Safety – You have the right to a safe and healthy workplace.

Workers' Compensation Benefits – You have the right to workers' compensation benefits if you are hurt at work (with a few exceptions).

Unions – You have the right to join a union and to join with other workers to ask for changes in your workplace.

Discrimination protections – You have the right not to be discriminated against because of your race, color, sex, age, disability, religion, national origin, or citizenship status.

Retaliation protections – You have the right to demand your rights without facing retaliation.

What are my rights when I apply for work?

Some employers use a computer system called E-Verify to check documents. They should check your documents **only after they have offered you a job**.

If your employer says your documents are not good, and this is wrong, tell him you want to appeal. He will give you a paper to sign. You have **8 business days** to start to fix the problem by talking to the Social Security office or another office. While you are trying to fix the problem, your employer cannot fire you or take other action against you.

Did you know?

PROTECT YOURSELF!

- Ask your employer for a card with the name, address, and phone number of the business.
- Ask how much you are going to be paid, and have the employer write that down.
- Keep a record of the time you start and stop work each day, and when you took breaks.
- Keep your pay stubs.
- If you have to pay for any tools, uniforms, or equipment, ask for a receipt.

This fact sheet is intended to provide accurate, general information regarding legal rights relating to employment in North Carolina. However, this fact sheet does not address exemptions and does not go into detail regarding legal rights. In addition, laws and legal procedures are subject to frequent change and differing interpretations, and the North Carolina Justice Center cannot ensure the information in this sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation.

► YOUR RIGHTS as an immigrant worker

Even if your employer does not use E-Verify, he or she should ask you to fill out an I-9 form and show documents that prove you are allowed to work in the United States. You have 3 days from the day you start work to fill out the I-9 and show your documents. You get to choose which documents to show from the list on the I-9 form.

What can I do if my employer wants to check my documents after I start working?

If a document that you showed when you were hired expires, the employer can ask to see a new one (unless you showed a green card – you only have to show that once, even if it expires). Otherwise, the employer should generally not ask you for new documents. If the employer asks for

documents when he or she should not, or does not accept your valid documents, you may have a legal claim.

What if I get fired?

North Carolina employers can legally fire workers for almost any reason, as long as there is no discrimination. However, if your employer discriminated against you because of race, color, sex, age, disability, religion, national origin, or citizenship status, you may have a legal claim. Also, if you were working legally in the United States and you lose your job, you can apply for unemployment benefits.

If you have been fired, no matter the reason, your employer still has to pay you for all the time that you worked.

The Workers' Rights Project

offers factsheets on a range of topics, including:

- Family and Medical Leave
- Health and Safety at Work
- Misclassification
- Unemployment Insurance
- Workers' Compensation
- Immigrant Workers' Rights

You can find all of our factsheets at tiny.cc/ncworkers



RESOURCES

For help finding a lawyer, call:

- North Carolina Advocates for Justice 1-(800) 688-1413
- North Carolina Bar Association Lawyer Referral Service 1-(800) 662-7660
- Legal Aid of North Carolina 1-(866) 219-5262

To file a claim with a government agency or to seek information on the following issues, contact:

DISCRIMINATION	<ul style="list-style-type: none">▪ US Equal Employment Opportunity Commission▪ Office of Special Counsel for Unfair Immigration-Related Employment Practices	1-800-669-4000 - or - www.eeoc.gov 1-800-255-7688 - or - www.justice.gov/crt/about/osc/
E-VERIFY	<ul style="list-style-type: none">▪ Department of Homeland Security / E-Verify	1-888-897-7781 - or - www.dhs.gov/e-verify
FAMILY AND MEDICAL LEAVE	<ul style="list-style-type: none">▪ US Department of Labor	1-866-487-9243 - or - www.dol.gov/whd
HEALTH & SAFETY	<ul style="list-style-type: none">▪ NC Department of Labor	1-800-NC-LABOR (625-2267) - or - www.nclabor.com/osh/osh.htm
MISCLASSIFICATION	<ul style="list-style-type: none">▪ Internal Revenue Service▪ NC Industrial Commission, Employee Classification Section	http://www.irs.gov/pub/irs-pdf/fss8.pdf (919) 807-2582 - or - www.ic.nc.gov/EmployeeClassificationSection.html
RETALIATION	<ul style="list-style-type: none">▪ NC Department of Labor, Employment Discrimination Bureau	1-800- 625-2267 - or - www.nclabor.com/edb/edb.htm
UNEMPLOYMENT INSURANCE	<ul style="list-style-type: none">▪ NC Department of Commerce, Division of Employment Security	1-877-841-9617 - or - https://www.ncesc.com/
UNIONS & COLLECTIVE ACTION	<ul style="list-style-type: none">▪ National Labor Relations Board	1-866-667-6572 - or - www.nlr.gov
WAGE THEFT	<ul style="list-style-type: none">▪ NC Department of Labor, Wage and Hour Bureau▪ US Department of Labor	1-800-625-2267 - or - www.nclabor.com/wh/wh.htm 1-866-487-9243 - or - http://www.dol.gov/whd/
WORKERS' COMPENSATION	<ul style="list-style-type: none">▪ NC Industrial Commission	1-800- 688-8349 - or - http://www.ic.nc.gov/