



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 on <https://tinyurl.com/3pdbaksr> or scan the QR code:



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	US Equal Employment Opportunity Commission	1-800-669-4000	www.eeoc.gov
E-VERIFY	Department of Homeland Security/EVerify	1-888-897-7781	https://www.e-verify.gov/
FAMILY & MEDICAL LEAVE	US Department of Labor	1-866-487-9243	www.dol.gov/whd
HEALTH & SAFETY	NC Department of Labor	1-800-NC-LABOR (625-2267)	www.nclabor.com/osh/osh.htm
MISCLASSIFICATION	Internal Revenue Service		http://www.irs.gov/pub/irs-pdf/fss8.pdf
RETALIATION	NC Department of Labor, Employment Discrimination Bureau	1-800- 625-2267	www.nclabor.com/edb/edb.htm
UNEMPLOYMENT INSURANCE	NC Department of Commerce, Division of Employment Security	1-877-841-9617	https://www.ncesc.com/
UNIONS & COLLECTIVE ACTION	National Labor Relations Board	1-866-667-6572	www.nlrb.gov
WAGE THEFT	NC Department of Labor, Wage and Hour Bureau US Department of Labor	1-800-625-2267 1-866-487-9243	www.nclabor.com/wh/wh.htm http://www.dol.gov/whd/
WORKERS' COMPENSATION	NC Industrial Commission	1-800-688-8349	http://www.ic.nc.gov/