



# RFK Immigrant Family Legal Clinic

## Young Workers – Know Your Rights!

Many RFK students are in the workforce and may face problems with workplace safety and fairness. The Immigrant Family Legal Clinic is here to help.

### RFK Immigrant Family Legal Clinic Contact Information

This form is for informational purposes only and not for the purpose of providing legal advice. This info is specific to LA. If you have questions about your individual case, please contact the Immigrant Family Legal Clinic for a free and confidential consultation.

When campus is open, you can drop by our office, located across from the Welcome Center. For now, you can reach us in one of three ways:

- Fill out our online form [HERE](#)
- E-mail us at [iflc@law.ucla.edu](mailto:iflc@law.ucla.edu)
- Call us at (310) 794-6871 (leave a message with your name and number and we will call you back as soon as possible)

## CONTENTS

**Top 10 Things to Know about Your Rights in the Workplace.....2**

**Frequently Asked Questions .....4**

**I. WHAT CAN I DO TO PROTECT MY RIGHTS IN THE WORKPLACE? ..... 4**

**II. WHAT ARE MY RIGHTS REGARDING COVID-19 IN THE WORKPLACE? ..... 5**

**III. WHAT ARE MY RIGHTS IF I AM UNDER 18? ..... 6**

**IV. WHAT ARE MY RIGHTS IF I AM UNDOCUMENTED? ..... 7**

**V. WHERE CAN I LEARN MORE? ..... 8**

# **Top 10 Things to Know about Your Rights in the Workplace**

## **1. You have all the rights described below no matter what your age or immigration status is!**

## **2. You have a right to be paid at least the minimum wage.**

- In Los Angeles, the minimum wage is \$15 per hour.
- If you work outside of Los Angeles, the California minimum wage is \$13 or \$14 per hour depending on the size of the employer.
  - On January 1, 2022, the California minimum wage will increase to \$14 per hour, for employers with 25 employees or less, and \$15 per hour, for employers with 26 employees or more.
- Even if you receive tips, you have a right to be paid the minimum wage.

## **3. You have a right to be paid overtime and double-time in most jobs.**

- “Overtime” means that you are paid 50% more per hour than your normal hourly pay rate because you worked more than eight hours per day or more than 40 hours in a week.
  - You also may have a right to overtime if you worked seven days in a week
- For most jobs, “double-time” means you must be paid twice your regular rate of pay for all hours worked over 12 in one day.
  - After the first eight hours on the seventh day of work in a week, all hours count as “double-time”
- Just because your boss tells you that you cannot get overtime does not mean that is true. Check with the RFK Legal Clinic or another trusted source if your boss is refusing to pay you overtime.

## **4. You have a right to rest breaks and meal breaks.**

- Your boss must give you a paid 10-minute rest break for every 4 hours of work.
- You must get an unpaid meal break of at least 30 minutes after no more than 5 hours of work.
- Keep track of your meal/break times. If your boss fails to give you meal and break times, you are entitled to compensation and penalty payments.

## **5. You have a right to be paid at least twice a month on designated regular paydays.**

## **6. You have a right to paid sick leave.**

- You have a right to paid time off to deal with medical, mental health, and domestic violence problems of the worker or a family member.
- The amount of paid time off varies based on how long you have worked in the job.
- Your boss cannot mistreat or punish you for requesting or using paid sick days. However,

your boss can ask you why you are taking a sick day.

- If you have questions about your right to take time off related to health needs or COVID-19, consult the RFK Legal Clinic or another trusted source.

## **7. You are protected from illegal discrimination and from sexual harassment.**

- Your boss is not allowed to fire you, reduce your pay, or reduce your hours because of your national origin, race, gender, sexual orientation, disability, religion, military or veteran status, medical condition, marital status, genetic information, and ancestry.
- An employer also cannot refuse to hire you for the reasons mentioned above.
- Your boss has a duty to keep your workplace safe from sexual harassment, to investigate employee complaints, and to provide training on the prevention of sexual harassment.

## **8. Your boss is required to take steps to keep you safe at work.**

- You have a right to a safe workplace. Work conditions that could be considered unsafe are wet floors, extremely hot temperatures, poor ventilation, or uncovered electrical wiring.
- Your employer has a duty to train you before you complete dangerous tasks and to provide protective gear, such as dishwashing gloves, aprons, and helmets.
- For more information about safety from COVID-19, please see the FAQ below, page 3.

## **9. You have a right to compensation if you become injured while working.**

- This means that if you get hurt while doing your job your employer might need to pay for your medical care and continue to pay you if you are unable to return to work due to the injury.

## **10. You are protected from illegal retaliation by your boss for asserting your workplace rights. You have a right to take action to protect your rights and are protected when you join employees to improve conditions at your place of work.**

- “Illegal retaliation” means that your boss cannot punish you for taking steps to have your rights in the workplace respected.
- For example, your boss is not allowed to punish you for trying to get back unpaid wages, for making a complaint about unsafe working conditions, or for reporting illegal discrimination.
- You are also protected from retaliation for working together with co-workers to try to improve your workplace – even if it is just you and one other co-worker. See FAQ p. 5 for examples.
- You have a right to organize, join, or help a union and it is illegal for your boss to retaliate against you for doing so.

# Frequently Asked Questions

## I. WHAT CAN I DO TO PROTECT MY RIGHTS IN THE WORKPLACE?

### 1. What can I do to protect my rights to wages and breaks?

- Keep track of your work hours and pay. Each day you work, write down the date, the start and end time of your work, when you took breaks, and how much you get paid.
  - You can find an app and templates to print and to track your hours and pay here: <https://www.dol.gov/agencies/whd/timesheet-app>.
  - Note: This app does NOT share your information with the Department of Labor (DOL) or any government agency.
- Write down the names of the people who hire you, supervise you, and pay you.
- Keep any wage stubs you receive. Write down any promises or conversations you have with your boss about your rate of pay.

### 2. What should I do if I think my boss has violated my rights?

- If you feel safe doing so, talk to your employer about what they are required to do. Bring a witness (another coworker or trusted adult) with you for this conversation.
- Remember, the law is on your side! Your boss is not allowed to fire you, discriminate against you, or punish you in any way in retaliation for attempting to protect your workplace rights.
- If your boss does not listen or you do not feel safe speaking with them, you can file a formal claim with the government.
  - If you have a wage problem, you can file a wage claim. Learn about how to do so here: <https://www.dir.ca.gov/dlse/HowToFileWageClaim.htm>
  - If your workplace is not safe, you can file a health and safety complaint. You can do so here: <https://www.dir.ca.gov/dosh/Complaint.htm>
  - If you experienced discrimination at work, you can file a discrimination complaint. Learn about how to do so here: [https://www.workplacefairness.org/file\\_CA](https://www.workplacefairness.org/file_CA)
- You can also visit the RFK Legal Clinic and we may be able to take your case or connect you with other organizations in the community that can help.

### 3. Are my rights the same if I am self-employed (also known as being an independent contractor)?

- Many labor protections do not apply to independent contractors.
- But many employers attempt to “misclassify” workers as independent contractors when they are actually employees.
- If you are unsure about whether you are an employee or an independent contractor, consult with the RFK Legal Clinic or another trusted source.

## II. WHAT ARE MY RIGHTS REGARDING COVID-19 IN THE WORKPLACE?

### 1. What is my boss required to do to keep me safe from COVID-19?

- Your boss must provide a hand washing station with water, soap, and single-use towels or blowers.
- If you are in contact with people when you work, your boss must provide you with a cloth face mask.
- Your boss must allow you to wash your hands or use hand sanitizer every 30 minutes.

### 2. What if my boss is not obeying health and safety laws?

- If you feel safe doing so, talk to your employer about what they are required to do. Bring a witness (another coworker or trusted adult) with you for this conversation.
- You can also file health and safety complaints with the California Occupational Safety and Health Administration (Cal/OSHA). The agency will then investigate for health and safety violations and your boss could be forced to stop its illegal practices. You can file a complaint online: <https://www.dir.ca.gov/dosh/Complaint.htm>.
- You have a right to complain about health and safety hazards on the job. Your boss cannot retaliate against you for doing so.

### 3. What if I don't feel it is safe for me to go to work?

- Under California law, you have a right to refuse to work if any reasonable person in your position would think their health and safety are in danger. Before you refuse to do unsafe work, tell your boss (in writing or together with co-workers) about the unsafe conditions and give them a chance to correct it. Tell them you will return to work as soon as the condition is fixed.
- If your boss does not fix the unsafe condition, you can offer to do other work that you consider to be safe. You can also file a complaint with Cal/OSHA (see link above).
- If you become unemployed due to illness or injury, you may qualify for State Disability Insurance and/or Worker's Compensation payments. You are eligible for these programs even if you are undocumented.

### 4. What should I do if I get sick, I am quarantined, or I lose my job due to COVID-19?

- You might be eligible to get money from your boss or the government. Please contact the Clinic or another trusted legal service provider for more information and assistance.
- For more information, please see "The Worker's Guide: Your Rights During COVID-19" by Bet Tzedek Legal Services. You can access it here: <https://www.bettzedek.org/our-services/resources/>

### 5. What if I had to leave work due to childcare issues or to take care of a loved one?

- If you are taking care of a child or parent due to COVID-19 and are unable to work, you may be able to apply for unemployment insurance.

#### 6. What assistance is available for me if I am undocumented?

- Undocumented workers may qualify for California's state disability insurance, paid family leave, worker's compensation, and/or paid sick days.

### III. WHAT ARE MY RIGHTS IF I AM UNDER 18?

#### 1. Do I have the same rights as adult workers?

- Yes! Minor workers have the same rights and protections as adult workers, including the rights listed in the Top 10 sheet above.

#### 2. Are there limits to how many hours I can work?

- Yes. There are special rules for workers under 18 to protect them from being exploited. There are certain times of the day that you are not allowed to work, and there are limits to how many hours you can work each day and each week.
- If you are 14 or 15 years old, you must not work between 7pm and 7am. When you have school, you can work up to 3 hours per school day and up to 18 hours a week. When you don't have school, you can work up to 8 hours per day, up to 48 hours per week, and up to 6 days per week.
- If you are 16 or 17 years old, you must not work between 10pm and 5am. When you have school, you can work up to 4 hours per school day and up to 28 hours a week. When you don't have school, you can work up to 8 hours per day, up to 48 hours per week, and up to 6 days per week.

#### 3. I want to join other employees to improve our wages or working conditions. Can I do this?

- Yes. You have a right to collaborate with co-workers in any efforts to improve your wages or working conditions, even if you are under 18 years old. For example, you can: talk with co-workers (in person or through social media) about your wages or working conditions; circulate a petition asking for better hours; participate in a group effort to refuse to work in unsafe conditions; and join with co-workers to talk directly to your employer, to a government agency, or to the media about problems in your workplace.
- You are also protected if you organize, join, or try to learn more about a union.
- Your boss is not allowed to punish you or stop you from doing these things. It is illegal for your boss to retaliate against you, even if your requests are beyond what the law requires. For example, if you and a friend go ask the boss to give everyone a \$1 raise, your boss cannot fire you in retaliation for making this request even though he does not have to give you the raise.
- **If your boss is taking action in retaliation against you, please contact the RFK Legal Clinic or another trusted legal service provider for more information and assistance.**

## IV. WHAT ARE MY RIGHTS IF I AM UNDOCUMENTED?

1. As an undocumented worker, am I covered by workplace protection laws? Do I have the same rights as citizen workers?

- Yes! Undocumented workers have the same rights to wages and breaks as citizen workers, the same health and safety protections, and the same protections from unlawful discrimination and harassment (with very limited exceptions).

2. As an undocumented worker, do I have the right to “organize” – meaning join together with coworkers to demand better working conditions? Do I have a right to participate in a union?

- Yes. The National Labor Relations Act (NLRA) protects all workers’ right to organize, without regard to citizenship.
- Unfortunately, there are somewhat more limited remedies for undocumented workers who are retaliated against for organizing. If you are undocumented, we encourage you to talk to the RFK Legal Clinic or another trusted source about how to weigh the risks involved in organizing.

3. As an undocumented worker, can I collect unemployment insurance?

- No. To collect unemployment insurance, workers must have work authorization.
  - Note that if you have valid work authorization, you are eligible for unemployment insurance. For example, DACA recipients and immigrants who have received work authorization based on pending asylum applications are eligible.

4. I am a DACA recipient. Do I need to tell my employer if my work permit is about to expire?

- No, you don’t need to tell them. If your work permit is about to expire, your employer is allowed to ask to see your new work permit. As a general matter, we advise workers not to give an employer any more information about their immigration status than is required.
- DACA work authorizations issued before July 2020 will expire every 2 years, and since July 2020, they will only last one year. However, DACA is accepting renewal applications. If you need assistance renewing your DACA, please contact the RFK Legal Clinic or another legal service provider.
- For updates on DACA:  
[https://www.ilrc.org/sites/default/files/resources/nilc\\_ilrc\\_daca\\_faq\\_august\\_2020\\_0.pdf](https://www.ilrc.org/sites/default/files/resources/nilc_ilrc_daca_faq_august_2020_0.pdf)
- For more information about DACA and employment:  
<https://www.nilc.org/issues/daca/about-daca-and-employment/>

5. After I’m hired, can my boss ask to see my work permit again?

- Once your boss has verified that you are permitted to work during the first three days of your employment, your boss cannot ask to see your work permit (or any other identity or employment eligibility documents) again until just before it expires.
- If you have work authorization and your boss asks to see your documents at any time other than the first three days of work or just before the document is scheduled to expire, this is called “document abuse.” You can call the free worker hotline at the Immigrant and Employee Rights Section of the Department of Justice at 1-800-255-7688. They offer a mediation-type process that can quickly resolve disputes with employers. If that process fails, you can file a formal complaint.

- For more information about document abuse:  
<https://legalaidatwork.org/factsheet/document-abuse-identification-documents-at-workthings-you-should-know-about-proving-your-work-status-to-your-employer/>

## V. WHERE CAN I LEARN MORE?

- If you have any other questions, you are welcome to contact the RFK Legal Clinic or another trusted legal service provider for more information and assistance.
- For more information about COVID-19 related issues for workers, please see “The Worker’s Guide: Your Rights During COVID-19” by Bet Tzedek Legal Services.
  - You can access it here: <https://www.bettzedek.org/our-services/resources/>
- For more information about employment rights of undocumented workers:  
<https://legalaidatwork.org/factsheet/undocumented-workers-employment-rights/>
- For more information about your right to organize and join a union:  
<https://legalaidatwork.org/factsheet/the-right-to-organize-and-join-a-union/>
- For more information about DACA and employment:  
<https://www.nilc.org/issues/daca/about-daca-and-employment/>
- For more information about document abuse:  
<https://legalaidatwork.org/factsheet/document-abuse-identification-documents-at-workthings-you-should-know-about-proving-your-work-status-to-your-employer/>
- For more information about AB-5 and the rights that come with being classified as an employee: <https://caimmigrant.org/wp-content/uploads/2020/01/AB-5-FAQ-Final-Jan-2020-Online.pdf>

### **REMEMBER!**

You have rights as a worker! Speak up about any problems you face in the workplace.

No matter what your age or status is, you have rights on the job and your voice matters!

High school students right here in L.A. and beyond have paved the way for major policy reforms like defunding school police, fighting for DACA, and responding to climate change.

In the workplace, when you speak up about unsafe or unfair conditions, you are helping not just yourself but many other workers who are facing the same problems in silence.

You have the power to make positive changes.

*Current as of 2022*