

GUIDELINES TO YOUR RIGHTS IN THE WORKPLACE

Working people have certain basic legal rights in the workplace, such as the right to minimum wages, safe working conditions and to be free from discrimination based on gender or race. But these rights have so many exceptions and loopholes that many workers are left unprotected. Some rights are limited by the size of the employer, length of service or other conditions. Some states have strengthened these protections for workers. For information on where to go for help—and how to get greater protection on the job—visit www.WorkingAmerica.org.

YOU HAVE THE RIGHT TO:

A Safe Workplace

Employers are required to provide a workplace free of recognized health and safety hazards. You have the right to file complaints with the federal Occupational Safety and Health Administration, to bring job safety hazards to your employer's attention without retaliation and to get information from your employer about hazardous workplace exposures.

Overtime Pay

Employers must pay you overtime at the rate of one-and-a-half times the normal rate of pay if you work more than 40 hours in a week. However, many workers—such as managers, professionals and certain sales employees—are exempt from overtime pay.

Equal Pay

Employers may not pay unequal wages to men and women who perform jobs that require substantially equal skill, effort and responsibility, and that are performed under similar working conditions within the same company.

Family and Medical Leave

You have the right to up to 12 weeks of unpaid, job-protected leave on the birth or adoption of a child, to care for seriously ill family members or to recover from your own illness. To be eligible for this leave, you must have worked for 12 months and for at least 1,250 hours for the same employer of more than 50 employees.

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A Workplace Without Discrimination

In hiring, firing, pay or promotions based on:

- Age—The law protects workers 40 and older.
- Disability—Employers must make reasonable accommodations for an otherwise qualified person with a disability to do his or her job.
- Gender
- Pregnancy
- Race, color, ethnicity or national origin
- Religion
- Immigrant status—It is illegal to refuse to hire someone because of an accent or because that person was born in a foreign country. Employers have a duty to verify that every worker hired is authorized to work, but it is illegal to assume that a worker is undocumented just because he or she has a foreign name, speaks with an accent or was born in another country.

A Workplace Without Sexual Harassment

It is illegal to be forced to agree to sexual favors to keep your job or get a promotion or job benefit. It also is illegal to be subjected to severe and pervasive comments or behavior at your workplace that create a hostile work environment.

Join or Form a Union

You have the legal right to join or support a union and negotiate contracts with your employer. You have the right to decide for yourself whether you want union representation, free from employer intimidation and interference.

Unemployment Benefits

Unemployment benefits are available to jobless workers who can prove they have been in the labor force and meet other requirements imposed by their states and the federal government.

- ☐ To file a safety and health complaint, call OSHA at 1-800-321-OSHA. Contact your state workers' compensation board for information about workplace injury compensation.
- ☐ To file overtime pay or Family Medical Leave Act complaints, call the U.S. Department of Labor at 1-866-4USWAGE.
- ☐ To file equal pay or discrimination complaints, call the Equal Employment Opportunity Commission at 1-800-669-4000 (1-800-669-6820 for TTY).
- ☐ If you've been sexually harassed, write down a record of the harassment incidents. Follow your employer's internal complaint procedure. To file charges with the EEOC, call 1-800-669-4000.
- ☐ If you've been threatened, transferred or fired because of your union activity, contact the National Labor Relations Board at 1-866-667-NLRB to file charges.
- ☐ To file for unemployment benefits, contact your state unemployment office.

For more information, visit www.workingamerica.org

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The legal information in this flier is of a general nature and not meant to serve as legal advice in any particular situation. We recommend that you consult a lawyer before you take action to address a legal matter.

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