



## Know Your Rights: Immigrants in the Workplace

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In solidarity with the May Day March for Workers and Immigrant Rights, our newsletter this week will focus on the rights of immigrants at work.

### UNDOCUMENTED IMMIGRANTS HAVE RIGHTS AT WORK

Employers must ensure their employees have adequate permission to work in the U.S., although they sometimes hire mistakenly or deliberately hire workers who don't have work permission.

It can be a crime for an employer to knowingly hire an undocumented immigrant. However, even if you are working without permission in the U.S., you still have certain rights at work:

- To be paid for the work you do
- To be paid minimum wage, at least
- To be paid for overtime, when legally required
- To have healthy and safe conditions on the job
- To have a workplace free of discrimination and sexual harassment
- To collect workers compensation if you get hurt at work (this is true in Washington, but not all states)
- To organize or join a union to force better working conditions

### PROTECTIONS AGAINST DISCRIMINATION & HARASSMENT

Undocumented immigrants are legally protected against discrimination on the basis of race or nationality. That means, among other things, that you should not be targeted at work based on your country of origin, your language, or your accent.

- Employers can ask for proof of your legal authorization to be in the United States before they hire you, but they can't single you out and ask only you, or only individuals of your nationality.

**Remember, claiming to be a US citizen in order to obtain a job is a violation of immigration law, and can harm your future chances of obtaining lawful immigration status.**

**Undocumented immigrants may not collect unemployment insurance in most states, because a condition of unemployment insurance is usually that the employee must be "willing and able to work." Undocumented workers are not technically able to work, so they don't qualify.**

- Ethnic slurs are illegal if they are severe or pervasive and create an intimidating or hostile working environment or interfere with work performance. Comments like, "Go back to where you came from," whether made by supervisors or by co-workers, create a hostile work environment for immigrants, and can qualify as unlawful discrimination.
- Treating employees differently because they have a foreign accent is only allowed if their accent interferes with being able to do the job. If a person has an accent but it is able to communicate effectively and be understood in English, he or she cannot be discriminated against.
- Rules requiring employees to speak only English in the workplace violate the law unless the employer can show that such rules are necessary to promote safety, cooperative work assignments, or efficiency. A rule requiring employees to speak only English in the workplace at all times, including breaks and lunch time, will rarely be justified.

Unfortunately, the workplace rights of undocumented immigrants are often violated, because employers know the workers don't want to reveal their undocumented status. If you think your employer is violating your rights at work, don't be afraid to seek help! If you are the victim of any kind of violation of your rights as a worker, please report it to Washington State Department of Labor & Industry: <http://www.lni.wa.gov/workplacerrights/> or <http://www.lni.wa.gov/Spanish/workplacerrights/>

If you are interested in joining other community members and activists for May Day marches in Seattle and Yakima, check out the details below:

**SEATTLE – 18th Annual May Day March for Workers & Immigrant Rights**

- Monday, May 1<sup>st</sup> 2017.
- Rally begins at **11:00 a.m.** at Judkins Park and march will depart at **1:00 p.m.**
- Cultural performances are also planned at Fisher Green in Seattle Center upon march arrival at approximately **3:30 p.m.**
- Program will conclude at **6:00 p.m.**

**YAKIMA – Annual March for Immigrants.**

- Monday, May 1<sup>st</sup> 2017
- March begins at **12:00 p.m.** at Miller Park and will go through downtown Yakima before returning to beginning point.
- There will be a program with speakers at Miller Park and the event will conclude at **4:00 p.m.**

*Organized by El Comité, May 1st Action Coalition, and May First Coalition-Yakima Valley*

For appointments call 206-774-8758 or email [ekarmen@globallawadvocates.com](mailto:ekarmen@globallawadvocates.com).

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