

Immigrant Workers in the City of Los Angeles: Know Your Rights

If you work in the City of Los Angeles, you have rights and protections, regardless of your immigration status.



Eric Garcetti
@MayorOfLA

The information included in this flyer does not constitute legal advice. For free legal assistance, please visit coronavirus.lacity.org/LARepresents.

Minimum Wage:

If you worked at least 2 hours in one week in the City, you are entitled to the City's minimum wage for such work.

As of July 1, 2020, the minimum wage in the City is:

- \$14.25 at businesses of 25 or less workers
- \$15.00 at businesses of 26 or more workers



On July 1, 2021, the minimum wage will be \$15.00 for all businesses.

You have the right to your pay stubs to confirm proper compensation.

You can file a wage complaint with the Office of Wage Standards (OWS) at wagesla.lacity.org/submit-complaint or (844) WAGESLA.

Paid Sick Leave:

In the City of Los Angeles, your employer is required to provide you with paid sick leave.

You may use your paid sick leave on your 90th day of work if you have worked at least 2 hours in a week in the City for the same employer for 30 days or more within a year.

Sick leave may be used at any time for your diagnosis, care, or treatment or that of your family member. Your employer cannot deny you the right to use your sick leave by threatening you with discharge, demotion, or suspension. Your employer also cannot require you to find another worker to replace you while you are out sick.

If you are denied use of your sick leave or experience retaliation* for requesting and/or using sick leave, you can file a complaint with OWS at wagesla.lacity.org/submit-complaint, (844) WAGESLA and/or the CA Labor Commissioner's Office at dir.ca.gov/dlse/HowToFileWageClaim.htm, (213) 620-6330.

COVID-19 protection: A worker employed by the same employer of 500 or more employees within the City of Los Angeles (or 2,000 or more employees within the United States) from February 3, 2020 through March 4, 2020, is entitled to supplemental paid sick leave, if unable to work or telework and other conditions are met. For more information, click on "Supplemental Paid Sick Leave Due to COVID-19" under lamayor.org/COVID19Orders.

Overtime:

All employees who are not exempt** must be paid overtime wages, even if the overtime was not authorized.

You must be paid at least 1.5 times your regular rate of pay if you:

- Worked over 8 hours in one day and/or worked over 40 hours in a week

You must be paid at least double your regular rate of pay if you:

- Worked over 12 hours in one day and/or worked over 8 hours on the seventh consecutive day of work in a week



You can file an overtime wage claim with the CA Labor Commissioners' Office at dir.ca.gov/dlse/HowToFileWageClaim.htm or (213) 620-6330.

The Right to Organize:



Your employer cannot interfere with protected unionizing activities such as your right to:

- Attend union meetings
- Sign petitions about wages or other working conditions
- Read and distribute union literature
- Discuss the union with coworkers

If your employer harasses you or retaliates* against you for participating in unionizing activities, you can file an unfair labor practice charge with the National Labor Relations Board at nrlb.gov or (310) 235-7352.

Safe and Healthy Workplaces:



Your employer needs to have a written program to ensure compliance with safety and health standards, hazard training, and corrective measures. You can refuse to perform dangerous work if there are hazards, such as radiation, chemical spills, mold, or repetitive heavy lifting in your workplace—but you must notify your employer of the hazard first so they can try to solve the problem. If the hazard persists, you can file a complaint with the CA Division of Occupational Safety and Health at dir.ca.gov/dosh/complaint.htm or (213) 576-7451.

COVID-19 protection: From January 1, 2021 until January 1, 2023, workers must be notified by their employer of COVID-19 potential exposures, related benefits and protections, and disinfection and safety measures that will be taken at the worksite in response to the potential exposure. For more information, visit the CA Department of Industrial Relations (DIR) webpage at dir.ca.gov/dosh/coronavirus/AB6852020FAQs.html.

Workers' Compensation:



If you are injured or become sick at work, you may be entitled to workers' compensation benefits paid by your employer. Part time and temporary workers may also be entitled to workers' compensation benefits. Your employer is prohibited from retaliating* against you for filing a claim or receiving benefits. You can file a claim with CA DIR at dir.ca.gov/dwc/InjuredWorker.htm or (213) 576-7389.

COVID-19 protection: Effective through January 1, 2023, state law makes it easier to establish that, if specific criteria are met, a worker's illness related to coronavirus is an occupational injury and therefore eligible for worker's compensation benefits. For more information, visit the CA DIR at dir.ca.gov/dwc/Covid-19/FAQ-SB-1159.html.

Immigration Enforcement at Work:

ICE agents need a judicial warrant (a warrant signed by a judge) or permission from the owner or manager to enter private areas of your workplace.

If ICE agents show up at your workplace, you have the right to:

- Remain silent – and not to answer any questions or disclose information regarding your immigration status
- Speak to an attorney – before or during questioning and before signing any document
- Record all information – take pictures and record encounters with officials if safe to do so

You may also have the right to a court hearing and for a judge to review your case.

If there is an ICE raid at your workplace, you can report it to the LA Raids Rapid Response Network at (888) 624-4752.

Discrimination and Harassment:



Your employer is prohibited from discriminating against you on many bases, including but not limited to your actual or perceived race, color, ethnicity, national origin, and citizenship status. In addition, it is illegal for your employer to retaliate* against you by reporting or threatening to report you to immigration authorities because you exercised your workplace rights.

If you think you have experienced discrimination and/or harassment, you should report this to your supervisor, manager, or human resources department if safe to do so.

You may also file a complaint with the CA Department of Fair Employment and Housing at dfeh.ca.gov/complaintprocess or (800) 884-1684.

Independent Contractor:



As an independent contractor, you have the right to decide when, where, and how a project should be completed. Since most labor laws do not cover contractors, you should make sure your contract outlines the expectations you and your client have for your work and pay. If your client does not abide by the terms of the contract, you may be able to bring your case to small claims court.

Find resources and assistance in filing a small claims case at lacourt.org/division/smallclaims/SC0049.aspx or (800) 593-8222.

*If your employer has retaliated against you by punishing, suspending, transferring, demoting, or terminating you for exercising your rights, you can file a complaint with the CA Labor Commissioner's Retaliation Complaint Investigation Unit at (213) 620-6330.

**To find out whether you are an exempt employee, visit dir.ca.gov/dlse/FAQ_OvertimeExemptions.htm.