

Foreign Worker's Guide to Labor and Employment Laws

in the United States

If you are a foreign worker in the United States, you may find that some of the laws and practices are different from those in your home country. This guide will alert you to some important differences in the United States you may not have been aware of.

What are my rights as a worker in the United States?

Workers in the United States have many of the same rights that workers around the world have. These rights include the right to form and join unions, the right to compensation if you are hurt on the job, the right to a safe workplace, the right to be free from forced labor, and the right to be free from discrimination in the workplace.

Know the law of the state where you are working!

In the United States, there are several federal labor and employment laws. There are also state labor and employment laws in all 50 states, the District of Columbia and the U.S. territories, including Puerto Rico, the Virgin Islands, the Mariana Islands and Guam. Native American tribes often have separate labor and employment laws.

What is the most important thing I should know about U.S. labor and employment law?

The most important thing you should know about U.S. labor and employment law is that there are different agencies for filing different kinds of labor and employment disputes.



Know your rights!

Even if you are a foreign worker without a valid work permit you are protected by most U.S. labor and employment laws. The only exception is that workers without valid working permits cannot receive unemployment insurance.

Where do I go if I believe my employer has treated me unfairly because of my sex or race or other qualities I have that make me different?

You can file a complaint with the federal Equal Employment Opportunity Commission (EEOC), with the state fair employment practices (human rights) agency, and sometimes with a city or county human rights agency.

For more information, see [Guide to Employment Discrimination Laws in the United States](#) and [Women's Guide to Pregnancy on the Job in the United States](#).

You can file a discrimination complaint even if you do not have a valid work permit.

Will I be deported if I complain about the way my employer treats me or if I seek compensation for an on-the-job injury?

- Employers sometimes threaten to deport you if you complain about work conditions or try to join a union.
- It is illegal for employers to threaten to deport you if you complain about work conditions. This is called "retaliation."
- You can get protection from being deported if you complain about work conditions.

This is true even if you do not have a valid work permit.

Is there a human rights commission in the United States?

- There is no national human rights commission in the United States. There are federal civil rights laws that protect people, however.
- Most state, county and city human rights offices accept employment discrimination complaints.
- Many state, county and city human rights offices also accept complaints about housing discrimination and civil rights violations.

Beware of traffickers

- It is illegal for a person to tell you that you will get a good job in the United States and then make you sell sex instead.
- It is illegal for a person to take out so much money from your paycheck that you do not receive minimum wage.
- It is illegal for a person to take away your passport to make you work.
- It is illegal for a person to threaten you with violence to make you work.
- A person who does this to you can be sent to federal prison.

If any of these things happens to you in the United States, you should call 1-888-428-7581.

What do I do if my employer does not pay me the minimum wage or overtime?

You can file a complaint with the Wage and Hour Division of the Department of Labor. This federal office has an office in most states. You can also file a complaint with the state department of labor.



For more information, see [Guide to Minimum Employment Standards, Pay Deductions and Unemployment Compensation in the United States](#)

You must be paid the minimum wage even if you do not have a valid work permit.

What can I do if my employer does not pay me for all of my work or does not pay me at all?

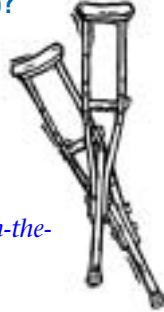
You can file a complaint with the Wage and Hour Division of the Department of Labor. This federal office has an office in most states. You can also file a complaint with the state department of labor.

Your employer must pay you. You can complain even if you do not have a valid work permit.

For more information, see [Guide to Laws Prohibiting Forced Labor in the United States](#).

What can I do if I am hurt on the job?

You must notify your employer and seek medical attention if you are hurt on the job. You can file a claim with the workers' compensation agency in the state where you are working.



For more information, see [Guide to On-the-Job Injuries in the United States](#).

Health insurance in the United States

- In the United States, the law does not require employers to provide medical insurance for workers. Some employers do offer health insurance, however.
- You are entitled to medical treatment and compensation for an on-the-job injury even if your employer doesn't provide health insurance.

Where do I go if my workplace is unsafe and I want to report it to someone?

You can report an unsafe workplace to the federal or state Occupational Safety and Health Administration. For more information and a number to call, see [Guide to On-the-Job Safety and Health in the United States](#).

You have the right to a safe working environment even if you do not have a valid work permit.

What can I do if my employer fires me?

If your employer fires you for a reason other than misconduct, you can file a claim for unemployment compensation with the state Department of Labor.

- The basic law in the United States is that you can be fired "for a good reason, for a bad reason or for no reason at all." It does not matter how long you have worked for your employer.
- There are exceptions if you have been treated unfairly because of illegal discrimination or because you tried to join or start a union.

If you do not have a valid work permit, you cannot collect unemployment compensation.

For more information, see [Guide to Minimum Employment Standards, Pay Deductions and Unemployment Compensation in the United States](#) and [Guide to Labor Relations Law in the United States](#).

Where do I go if I want someone to explain the law to me and help me with my case?

There are "legal aid" offices in every state, which provide legal services to low-income people. If lawyers and staff in the legal aid office cannot help you, they can refer you to someone else who can.

Sometimes the consulate of your country can help you. If you do not feel comfortable contacting your country's consulate, community groups can often give you advice on where to seek help.

Some legal aid offices cannot help you if you do not have a valid work permit, but they can tell you where you can get help. Don't be afraid to ask.

Housing

- The law does not require employers to provide housing for workers in the United States.
- The exception is if you are a temporary farm worker with an H-2A visa. Employers in this visa program must provide you with housing.
- If you work as a farm worker and your employer provides housing, your employer must make sure the housing is safe, clean and obeys federal, state and local housing laws.

Farm worker rights

- Farm workers have different rights from other workers in the United States.
- For more information, see [Guide to the Law Protecting Migrant and Seasonal Farm Workers in the United States](#).
- Farm workers have the right to file discrimination complaints in the United States.



Commission for Labor Cooperation