

KNOW YOUR RIGHTS CHART: PROTECTIONS AGAINST WORKPLACE RETALIATION FOR CALIFORNIA WORKERS

In 2013, California passed new laws to protect workers, including immigrant workers, who enforce their workplace rights from retaliation by employers. The laws went into effect on January 1, 2014.

Protected Activities <i>Workers are protected from retaliation if they:</i>	Employers May Not Retaliate Against Workers by:	Consequences for employers who retaliate against workers:
<p>Make an oral or written complaint to an employer for unpaid wages</p> <p>Complain to management about unpaid minimum wage, overtime, health and safety conditions</p> <p>Try to update personal information with an employer</p> <p>Seek information about whether the employer is in compliance with labor laws</p> <p>Inform other workers about or assist other workers with their workplace rights</p> <p>Discuss rate of pay or other conditions with other workers</p> <p>Provide information or testimony to any public body about an employer's violation of local, state, or federal law</p> <p>Provide information to a supervisor/any worker with authority to investigate an</p>	<p>Demoting a worker</p> <p>Suspending a worker</p> <p>Threatening to fire or firing a worker</p> <p>Engaging in unfair immigration related practices, which include: * requesting more or different documentation for work authorization, or refusing documents that appear genuine * misusing the E-Verify system * threatening to file or filing a false police report * threatening to contact or contacting immigration authorities</p> <p>Reporting or threatening to report the immigration status of the worker or the worker's family member</p>	<p>If an employer retaliates against a worker by demoting, suspending, threatening to fire, or fire a worker, the employer could: -Face a penalty of up to \$10,000 for each incident of retaliation.</p> <p>If an employer engages in unfair immigration-related practices, the employer could: *Face a penalty of up to \$10,000 for each incident; -Face suspension of a business license; *Have to pay lawyers' fees if sued in court</p> <p>If an employer's attorney reports or threatens to report the immigration status of a worker, his or her family, or a witness in an employment case, the attorney may face discipline, suspension, or lose his license to practice law.</p>

<p>employer's violation of law</p> <p>File a valid complaint with the Labor Commissioner against the employer for unpaid wages or health/safety violations</p>		
<p>Hire an attorney or participate in a lawsuit against the employer</p>		<p>If an employer threatens to report someone's suspected immigration status in order to unfairly obtain the other person's property, the employer may be guilty of extortion, which has a sentence of imprisonment for up to one year and/or a fine of up to \$10,000.</p>
<p>Engage in political activity of the worker's choice</p>		

What do the new laws NOT cover?

- Bad faith complaints. You must have engaged in a valid protected activity to have the protection of anti-retaliation laws.
- Employers may request to inspect a new employee's documents within 3 days of hire, as required by law.
- Situations where employers have been directly instructed by the federal government obtain employment authorization documents from workers, including I-9 audits ("silent raids").
- These laws will not allow workers to be reinstated or get their jobs back if they are not authorized to work.

What should I do if I think my employer has unfairly retaliated against me?

- Document when you engaged in the "protected activity," and your employer's retaliation. Write down important dates, people involved, and other relevant facts.
- File a complaint with the California Division of Labor Standards Enforcement (also known as the Labor Commissioner). A complaint must be filed within 6 months. More information is available at: <http://www.dir.ca.gov/dlse/howtofilediscriminationcomplaint.htm>.
- Discuss your case with an attorney, who may be able to assist you in writing a warning letter to your employer, or filing a complaint or a lawsuit on your behalf.

Disclaimer: The information contained here is for informational purposes only, and is not offered for the purposes of providing individualized legal advice.