



Know Your Rights

All workers in the state of Nebraska have certain rights under the law regardless of immigration status.

PAY

- ✔ You have the right to be paid a minimum wage of \$7.25 per hour for every hour worked, but as a farmworker you do not have the right to overtime pay if you work more than 40 hours in a week.
- ✔ Your employer must pay you on regular paydays. The employer can choose to pay you more often, but they must pay you on the regular paydays chosen.
- ✔ Your employer must give you a written statement that says how much you earned and how it was earned (e.g., the number of hours worked and the hourly rate) and any deductions. The statement must also have the name and address of the employer and the reason and amount of each deduction from your wages.
- ✔ If you do not have a written employment contract, write down what you and the employer verbally discussed and agreed on.

The U.S. Department of Labor Wage and Hour Division helps all workers in the United States and enforces the law without regard to a worker's immigration status. Services are free and confidential. It is illegal for you to be fired or retaliated against for contacting them or exercising your rights.

For more information: 1-866-487-9243 | www.wagehour.dol.gov

SAFE WORKING CONDITIONS & TRAINING

Under federal law, you are entitled to a safe workplace.

- ✔ You have the right to safe equipment and working conditions that do not pose a risk of serious harm.
- ✔ You have the right to get copies of test results done to find hazards at your workplace.
- ✔ You have the right to review records and logs of work-related injuries and illnesses.
- ✔ You have the right to report an injury or illness and get copies of your medical records.
- ✔ You always have a right to medical care; however, such care may be at your own expense. It is recommended that you find out if your employer provides worker's compensation insurance in case of work-related injury or illness when you are hired.
- ✔ You have a right to be trained in a language that you understand. Training should include identification of workplace hazards, risk prevention strategies, and the OSHA standards that apply to your workplace such as machinery, pesticides or other chemicals, and dust.
- ✔ You have a right to be provided required safety gear and personal protective equipment (PPE), such as gloves, face shields, or helmets.
- ✔ You have a right to be protected from toxic chemicals. You should be aware and have access to safety data sheets (SDS) that describe risks of all chemicals present in your work environment.

REPORTING UNSAFE CONDITIONS

You have the right to file a complaint and request an OSHA inspection if you believe there is a serious hazard or if your employer is not following OSHA's rules.

You have the right to speak up about unsafe or unhealthy conditions without fear of retaliation. It is illegal for an employer to fire, demote, transfer or otherwise retaliate against a worker for using their rights under the law. If you believe you have been retaliated against in any way, file a whistleblower complaint within 30 days of the alleged retaliation.

For more information: 1-800-321-OSHA (6742) | www.osha.gov

DISCRIMINATION

Employment discrimination based upon race, color, country of origin, religion, or sex is prohibited under the law. Employers cannot do the following:

- ✓ Require you to speak English when having a personal conversation with a coworker
- ✓ Require you to provide additional hiring documentation than what is required on Form I-9
- ✓ Enforce rules or policies against you because you are an immigrant or refugee, but not enforce those rules against anyone else
- ✓ Fire you because your Lawful Permanent Resident Card ("LPR" or "green card") or Employment Authorization Document card ("EAD" or "work permit") expired if you continue to have LPR, refugee, or asylee status
- ✓ Pay you lower wages or provide you with fewer hours because of your race or where you are from

For more information: Nebraska Legal Aid, 1-877-250-2016 (press 7)

www.legalaidofnebraska.org/how-we-help/programs-and-projects/ag-worker-rights/

IMMIGRATION

- ✓ You have the right to remain silent and do not have to discuss your immigration or citizenship status with police or other law enforcement officers. You do not have to answer questions about where you were born, whether you are a U.S. citizen, or how you entered the country.
- ✓ In Nebraska, you are required to give a law enforcement officer your name if you are questioned or detained and the officer has reason to believe you have committed or will commit a crime. Once you give your name, you do not have to say anything else.
- ✓ A law enforcement officer can only detain or arrest you if they have reason to believe you have committed or will commit a crime.
- ✓ If you are at work and are being questioned, ask if you are free to leave. If the response is "yes," walk away slowly, do not run. If you are told you cannot leave, do not walk away. Rather, ask to speak to your lawyer and then remain silent. Memorize the phone number of your lawyer or a trusted contact who can reach out to a legal representative on your behalf.
- ✓ If you are not a U.S. citizen and an immigration agent requests your immigration papers, you must show them if you have them with you. If you are over 18, carry your immigration documents with you at all times. If you do not have immigration documents, say you want to remain silent. Do not lie or show any false documentation.

For more information: Nebraska Legal Immigration Assistance Hotline (NILAH)

1-855-307-6730 | www.immigrantlc.org/get-help/



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