

Know Your Rights As a Worker

How To Prevent Labor Violations In The Workplace

If you know your rights under the New York State Labor Law, you can protect yourself in the workplace. Here are some basic facts and tips to keep in mind at work.

Wages

Everyone has a right to earn at least the minimum wage, no matter what the job is, or who the worker may be. If you work more than 40 hours a week, you should get extra pay for the extra time you are working, although there are exceptions for farmworkers and home care workers. For details on minimum wage rates in New York State, please visit www.labor.ny.gov/minimumwage.

The minimum wage and overtime laws apply to ALL WORKERS, even if you are undocumented or paid:

- Hourly, daily, or weekly
- In cash or by check
- Off the books

Ask about filing a claim if you think you do not get paid the minimum wage, or you do not get more money for the extra time you work. Call us at 1-888-4-NYSDOL (888-469-7365).

Workers' Compensation

If you are injured on the job, you can receive workers' compensation no matter what your immigrant status is. Contact the Advocate for Injured Workers for help at 1-800-580-6665.

Protect Yourself

Write down as much information as you can, in case you need to make a claim. This includes:

- Employer's FULL name (first, last and contact information)

- Address and/or phone number of the place where you worked
- State and plate number of car (if someone picks you up for a job)
- Contacts for your co-workers (they may remember things you are missing)
- Times you start and stop work (include how much time you had for breaks)
- How much the employer agreed to pay you

Write down the company name listed on any permits or licenses, or ask for a business card. Then the employer knows you have his/her information and will be less likely to break any labor laws.

If you have a camera phone, you can take pictures of the workplace and the people you were with. This can help you with a claim.

Warning Signs

There are many red flags that can warn you about labor law violations. You may be a victim of wage theft, if you:

- Do not receive a record of hours worked (whether you get paid by check or cash)
- Get charged for equipment needed to work or for damaging property
- Work at least six hours straight and do not have at least a half-hour meal period

If you have a work-related problem with an employer, the Department of Labor can help you make a claim. The Department of Labor DOES NOT SHARE YOUR NAME with other government agencies.