

KNOW YOUR RIGHTS

You have rights while working
in the United States

1-888-373-7888 National Human Trafficking Hotline
(within the United States)

TEXT "HELP" TO 233733 (WITHIN THE UNITED STATES)
OR EMAIL HELP@HUMANTRAFFICKINGHOTLINE.ORG



KNOW YOUR RIGHTS

While you are in the United States, you have the right to:

- Be paid fairly
- Work in a healthy and safe workplace
- Ask for help from union, immigrant, and labor rights groups
- Leave an unsafe job
- Be free from discrimination, harassment, and exploitation

Visit *MigrantWorker.gov* for more information on these rights

IF YOUR RIGHTS HAVE BEEN VIOLATED, CONTACT THE NATIONAL HUMAN TRAFFICKING HOTLINE AT 1-888-373-7888 (WITHIN THE UNITED STATES), TEXT “HELP” TO 233733 (WITHIN THE UNITED STATES) OR EMAIL HELP@HUMANTRAFFICKINGHOTLINE.ORG.

CALLS ARE ANONYMOUS, CONFIDENTIAL, AND SAFE REGARDLESS OF IMMIGRATION STATUS. TRAINED SPECIALISTS ARE AVAILABLE TO HELP IN MORE THAN 200 LANGUAGES. LEARN MORE AT WWW.HUMANTRAFFICKINGHOTLINE.ORG

If you are in immediate danger while you are in the United States, call 911 to contact the local police. Share the emergency, your location, and the phone number from which you are calling. Interpreters are available if needed.

If you applied for an A-3, G-5, H, J, NATO-7, TN, or B-1 domestic worker nonimmigrant visa, you should receive this pamphlet either:

- With your issued visa (if you did not have an interview), or
- During your visa interview, when a consular officer must confirm that you have received, read, and understood the information in this pamphlet before you receive a visa.

U.S. consular officers want to help you understand your rights in the United States and are available to answer any questions you have.

You can also get help from your consulate in the United States through the U.S. Department of Labor's Consular Partnership Program (CPP). Through CPP, your consulate can assist you, help you find resources, and support you in filing a complaint if you believe your rights have been violated. For a list of partner countries, visit: www.dol.gov/general/migrantworker/support

NO MATTER YOUR IMMIGRATION STATUS, YOU HAVE RIGHTS

Your employer cannot fire you, mistreat you, or refuse to pay you for exercising your rights.

YOU HAVE THE RIGHT TO:

1. Be Paid Fairly

- Your employer must pay you for all work you do. Your employer must pay you at least the federal legal minimum wage for most jobs.
- Your employer must pay you more than the federal minimum wage if:
 - You work in a state, city, county, or locality that has a higher minimum wage.
 - Your work contract or visa program requires it.
 - **If you work more than 40 hours a week, your employer may need to pay you 1.5 times your regular pay for the extra hours. For example, if you earn \$10 an hour, you may get \$15 for each extra hour.**
- If your employer takes money out of your paycheck, this is a deduction. Your statement of earnings (such as a “pay stub”) must show each deduction. Deductions may be for things that you freely choose, such as health insurance or union dues, and may be required for certain taxes.
- Your employer usually cannot take from your paycheck or make you pay for your uniforms, safety equipment, required tools, supplies, equipment, or recruitment fees. For some visas, housing must be provided for free.
- Your employer cannot retaliate, harass, intimidate, or take negative action against you for asking about your pay, hours of work and other rights, filing a complaint, or cooperating with a Wage and Hour investigation.
- Deductions to pay for things that you freely choose, such as health insurance or union dues, can be taken from your pay. Deductions for certain taxes may also be required.

If you have questions or concerns about wages and your paycheck, call 1-866-487-9243 or visit a local Wage and Hour Office: www.dol.gov/agencies/whd/contact/local-offices.

1 See www.dol.gov/whd/minimumwage.htm for the current minimum.



TIP: Depending on your length of stay, you may be required to have health insurance while in the United States. You may also qualify for financial help to lower the cost of health insurance.

2. Work in a Healthy and Safe Workplace

Safe Workplace: Your employer must keep your workplace healthy and safe.

Training: Your employer must give you information and training about job hazards, how to avoid injury or accidents, and the safety and health rules for your workplace. The training must be in a language you understand.

Required Safety Equipment: You have the right to receive required safety equipment, like gloves or a harness and lifeline for falls, and your employer must teach you how to use this equipment properly.

Report Work-Related Injuries and Illnesses: You have a right to report an injury or illness, and to see and to get copies of your medical records from your employer.

File a Safety and Health Complaint: If you think your work is unsafe or dangerous to your health, you (or someone representing you) can file a confidential complaint with the Occupational Safety and Health Administration (OSHA). If you can, it is a good idea to bring another worker with you as a witness if you tell your employer about the unsafe conditions and also share your concerns by text message or email so there is a written record. You can talk privately and confidentially with OSHA inspectors and see the results of inspections or tests taken to find work area hazards.

Protection from Retaliation: You can speak up about hazards at work. You have the right to file a complaint with OSHA if you believe your employer is punishing you for raising concerns about safety and health hazards. If you believe you are being punished for raising concerns, file a complaint within 30 days of the alleged punishment. For more information visit:

www.whistleblowers.gov.



TIP: Before leaving for the United States, get advice from migrant worker organizations or former migrant workers. They can give you names and numbers of persons or organizations you can contact if you have problems or questions when you are in the United States.

For more information on OSHA Worker Rights, visit:www.osha.gov/workers

Medical Treatment: You can see a doctor or nurse by yourself if you need to do so. If you get hurt or sick from work, your employer should pay for your medical care and some of your lost wages. Ask for copies of any paperwork from the doctor, clinic, or hospital. In most cases, you may file for workers' compensation in the state where you work, which is a payment of money for work-related injuries or sickness. Find your local office for requesting workers' compensation here: **www.dol.gov/agencies/owcp/wc**

Housing: If your employer provides housing, it should be clean and safe. You must be allowed to freely leave your housing.

Bathrooms: Bathrooms should be clean and easy to get to. Your employer should let you use the bathroom whenever you need to and provide washing stations with water and soap or similar cleansing agents, so you can wash your hands.

Potable Water: You have the right to receive clean drinking water free of charge.

Heat: Employers covered by OSHA must protect you from extreme temperature and should have a program to prevent heat illness. If you are working with or around pesticides or dangerous chemicals, your employer must:

- Make sure you have soap and water to wash your hands.
- Provide the right safety equipment required for the job (such as a respirator or gloves) and teach you how to use it correctly.



- Give you paid training on workplace chemicals so that you understand the risks of the chemicals you are working with
- Tell you where and when pesticides were sprayed and when it is safe to enter an area again to avoid accidental exposure. Avoid areas where pesticides are being applied.

If you think your job is unsafe and you want an inspection or more information about your rights, call 1-866-4-USA-DOL or go to the Department of Labor's website (dol.gov or migrantworker.gov).

If you are an H-2A worker with questions or concerns about the health and safety of your worksite, housing, or transportation, call 1-866-487-9243 or visit a local Wage and Hour Office: www.dol.gov/agencies/whd/contact/local-offices.

3. Request Help from Union, Immigrant, and Labor Rights Groups

In most cases, you have the right to:

- Join with your coworkers to ask your employer for better wages or working conditions.
- Form, join, and support a union in your job. **To learn more about these rights, go to: www.nlrb.gov**
- Attend public speeches, rallies, and demonstrations for better wages or working conditions.

4. Leave a Job

- You do not have to stay in your job if your employer is mistreating you or if you do not feel safe. **You can contact the National Human Trafficking Hotline at 1-888-373-7888 for help.**
- Your immigration status will no longer be valid if you leave your employer, but you may be able to change your status, or work for a new employer who sponsors you. If your employer is being investigated by a labor agency, you may be able to receive temporary protection from removal and a temporary work permit. For more details, visit: **www.dhs.gov/enforcement-labor-and-employment-laws**

No matter your immigration status, you can contact the National Human Trafficking Hotline if you think you are a victim of trafficking at 1-888-373-7888 for help or the National Labor Relations Board at 1-844-762-6572 and ask to speak to a Regional Immigration Coordinator.

For more resources for workers and who to contact in the United States government for specific concerns, visit: *MigrantWorker.gov/TrabajadorMigrante.gov*.

5. Be Free from Discrimination and Harassment

- Your employer cannot treat you differently or badly because of your age (if you are 40 or older), sex, race, national origin and ethnicity, color, religion, genetic information (including family medical history), or disability.
- **To file a discrimination charge, go to: www.eeoc.gov/how-file-charge-employment-discrimination. To file a discrimination charge because of your citizenship status, go to: www.justice.gov/crt/filing-charge.**
- **No one can verbally, physically, or sexually harass you.**

6. Be Free from Exploitation

- No one has the right to sexually exploit you, including touching you in a sexual way; or forcing, tricking, or coercing you to perform any sex act like kissing, intercourse, oral sex, or voyeurism.
- See page 12 for more information on labor exploitation and human trafficking.

If you believe your rights have been violated, report it to the National Human Trafficking Hotline at 1-888-373-7888 (within the United States) or to one of the websites listed on pages 15 and 16 of this pamphlet. If you do not speak English, ask for an interpreter.





TIP: Legal advice from your employer, contractor, or recruiter may be biased. Seek advice from an independent attorney.

ADDITIONAL RIGHTS BASED ON YOUR NONIMMIGRANT STATUS

A-3, G-5, NATO-7, and B-1 Domestic Employees

Your employer must give you a work contract that complies with U.S. law, including requirements that the contract:

- Is in a language you understand.
- States your hourly wage, which must be the highest of the U.S. federal, state, or local minimum wage.
- States that the employer will provide free room and board (if living at the employer's residence), and round-trip airfare.
- States the exact amount of time the employer must give you prior to ending your job and that you must give the employer if you plan to leave.
- Includes any other benefits required for U.S. domestic workers such as paid breaks, unpaid sick leave, and worker's compensation.

Make sure you understand the contract and get a copy of it. Do not sign a contract if you do not understand what it says.

Additional Requirements for A-3, G-5, and NATO-7 Domestic Workers

At a minimum, the contract must include:

- An agreement by your employer to follow all U.S. laws.
- Information on how often you will be paid, how you will be paid, your work duties, weekly work hours, holidays, sick days, and vacation days.
- An agreement by your employer not to keep your passport, employment contract, or other personal belongings from you.



H-2A Temporary Agricultural Worker Visas

- You should never pay fees to get a job. If someone asks you to pay a fee, contact your local U.S. embassy or consulate if you are still in your home country or the Wage and Hour Division at 1-866-487- 9243 if you are in the United States.
- Your employer or anyone working with your employer cannot force you into debt or make you pay off a debt. **If this happens, call the National Human Trafficking Hotline at 1-888-373-7888 if you are in the United States or your local U.S. embassy or consulate if you are in your home country.**

Your employer must:

- Pay you, at least twice a month, for all the work you do at the rate specified in your job order or contract, and at the times according to your work contract. The pay rate may be higher than the federal, state, or local minimum wage.
- Provide or pay for transportation from your place of recruitment to the work site and for daily meals during that trip or pay you back for those costs once you complete half of the time you are supposed to work according to your work contract.
- Reimburse your travel to the worksite and visa costs during the first workweek if your wages minus your expenses are less than the U.S. minimum wage.

If you are an H-2A or H-2B worker and have questions or concerns about your rights, call 1-866-487-9243 or visit a local Wage and Hour Office: www.dol.gov/agencies/whd/contact/local-offices.

For H-2A Temporary Agricultural Workers

Your employer must:

- Give you a written work contract in a language you understand. It must include details about your pay, how long the job will last, work hours, benefits (like transportation, housing and meals or cooking facilities), and any deductions from your paycheck. You should not have deductions from your paycheck for U.S. Social Security and Medicare while you are working on an H-2A job.



- **Provide safe and clean housing to you at no cost.**
- **Provide free transportation from the housing they give you to the worksite.**
- **Provide safe transportation by licensed drivers in properly insured vehicles with all required safety equipment.**
- **Provide 3 meals a day, or a place to cook that is free and easy for you to use.**
- Not punish or prevent you from meeting with government workers or legal providers who inform you about your rights and can help you file complaints.
- Provide or pay for transportation, lodging and meals, from the work location to your home in your country after you complete the contract period stated in your work contract.
- Offer you work for at least 3/4 of the workdays in the job contract or pay you for the hours not offered.

For H-2B Temporary Non-Agricultural Workers

Your employer must:

- Give you a written job order in a language you understand. It must include details about your pay, how long the job will last, work hours, any benefits the employer voluntarily provides (like transportation, housing and meals or cooking facilities), and any deductions from your paycheck.
- Pay for transportation, lodging and meals from the work location to your home in your country if you finish the period stated in your work contract or your employer lets you go before the end of your job period.

J-1 Exchange Visitor Visas

- Your signed Form DS-2019 explains your program dates, program category, the name of your sponsor, and where your exchange program will take place. Your sponsor must update the Form DS- 2019 during your program to reflect any changes in funding, site of activity, and program dates.



TIP: Your employer must pay you on time. It is a common practice in the United States for employees to be paid once every two weeks, although your pay schedule may differ according to your work contract.

- Your sponsor must explain all costs, conditions, and rules of your exchange program, including a written statement of the work you agree to do, how much you will be paid, and how many hours you should expect to work, if applicable. **If you have urgent health, safety, or welfare concerns, please contact the J-Visa Emergency Hotline: 1-866-283-9090. For general questions or issues, please email: Jvisas@state.gov.**
- Your sponsor must make sure that you have medical, repatriation, and evacuation insurance coverage, but they do not need to provide or pay for it.

Summer Work Travel

Your sponsor must provide help with finding a job after one week of searching in the United States if you are from a visa-waiver country and arrived without a job. Sponsors also must provide reasonable assistance to all Summer Work Travel participants wishing to change jobs during their program. Sponsors must assess and confirm initial and any additional job placements of all Summer Work Travel Program participants before participants may start work as outlined in program regulations.

Intern or Trainee

Your sponsor must give you a Training/Internship Placement Plan (Form DS-7002) that includes a written statement of any income you will receive and a summary of the training goals of the program. You must get at least 32 hours of work per week.

Your sponsor must give you a written statement of the costs and fees you will have to pay and an estimate of living expenses in the United States.

Your sponsor must make sure that you have medical, evacuation, and repatriation insurance coverage, but they do not need to provide or pay for it.



Au Pair:

Your host family must help you sign up for and attend classes at a post secondary institution and pay up to \$500 in costs for those classes. If you are an EduCare au pair, your host family must pay up to \$1,000 in costs for these classes.

You do not have to work more than 10 hours per day or 45 hours per week. If you are an EduCare au pair, you do not have to work more than 10 hours per day or 30 hours per week.

Your local counselor must contact you every month and regularly check in with your host family.

YOUR NONIMMIGRANT VISA

A nonimmigrant visa is a U.S. government document that lets people come to the United States for specific reasons, like to work, to study, or to join a cultural exchange program. **You need to apply for a visa at a U.S. embassy or consulate abroad** (Note: Canadian citizens apply for admission in J-1 status at a port of entry). Once you get the visa, you can travel to the United States and show it to a U.S. immigration official (“CBP officer”) to enter. If your visa expires, you need to get a new visa before you come back to the United States. For more details about the visa application process and your U.S. visa, visit: **usvisas.state.gov**.

When a CBP officer admits you into the United States, a Form I-94 will be electronically created (sometimes it may be a paper document). The Form I-94 will show your entry date, visa type, and the date by which you must leave the United States. You must leave the United States before your “admit until” date to stay legally unless you file for an extension of stay with U.S. Citizenship and Immigration Services (USCIS). **You can check your I-94 record at: <https://i94.cbp.dhs.gov>.**

- Threatening to hurt, to deport, or to arrest you or your family if you complain of mistreatment, report the situation, or seek help;
- Hurting others who have tried to leave, to complain, to report the situation, or to get help; or
- Threatening to blacklist people so they cannot work in the United States again.

Being forced to do something to repay a debt

A person cannot make you perform or continue to provide labor, services, or commercial sex acts, or to stop you from leaving. A person cannot suddenly change your debt to make it harder for you to repay or make you think you must keep working until the debt is paid off.

Examples include:

- Saying you owe a huge amount that is hard to pay off in a reasonable time;
- Claiming you owe more than you agreed to, or for things you did not agree to before;
- Adding fees for transportation, housing, food, and other expenses that you did not agree to before; and
- Adding fees, fines, or penalties for breaking rules, for not earning enough, or for not performing enough labor, services, or commercial sex acts.

TIP: Keep a detailed record of any inappropriate comment and/or action your employer takes against you and write down the names and phone numbers of any witnesses.

Not being able to leave, speak up, or ask for help

People cannot stop you or others from leaving, speaking out, or getting help. Examples include saying you cannot leave the workplace or limiting where you can go when you are not working.

- You should always have access to your own passport, visa, birth certificate, or other identification documents. No one should keep these from you;
- You should have enough food, rest, sleep, or medical help when you need it. No one should limit these things; and
- You should be able to talk to your family, other people at work, customers, or anyone else that you need to, like legal or social service outreach workers. No one should stop you from communicating freely or monitor what you say.

Being lied to

No one can lie or trick you to make you do work or commercial sex acts.

Examples of lies and tricks include:

- Making false promises about the type of work, working hours, working conditions, living conditions, or pay;
- Making you work much longer hours, under worse conditions, or for less pay than promised;
- Telling you that you have no rights;
- Telling you that you will not be believed or will be deported if you try to leave or ask for help; or
- Telling you to lie about your employer or other workers.
- False promises might include, for example, saying you will have a job as a skilled nurse, but then making you clean a nursing home; or saying you will be a nanny and then making you do exotic dancing or commercial sex acts.

Can Your Employer Have You Deported if You Report Abuse?

There are programs to protect people who report abuse or mistreatment.

These programs may allow you to stay in the United States even if you leave your employer. You should not be afraid to seek help even if you have immigration concerns. **Call the National Human Trafficking Hotline at 1-888-373-7888 to understand your options** The National Human Trafficking Hotline is not operated by the Government or law enforcement.



TIP: Once you arrive in the United States, keep your passport and other travel documents in a safe place where you can access them at all times. It is illegal for your employer to take your passport.

FOR MORE INFORMATION ABOUT:

- The visa application process and your U.S. visa: **usvisas.state.gov**.
- Human trafficking: **www.state.gov/j/tip**.
- The J-1 visa Exchange Visitor Program: **j1visa.state.gov**.
- Equality, and your rights to be free from discrimination at work because of your race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information, and to file a discrimination charge: **www.eeoc.gov**.
- Your workplace safety rights, or if you think your job is unsafe and you want to request an inspection: **www.osha.gov**.
- How to find out if unpaid wages have been collected from your employer on your behalf: **webapps.dol.gov/wow**.
- Your rights to be paid fairly: **www.dol.gov/WHd/immigration**.
- How to file a wage complaint: **<https://www.dol.gov/agencies/whd/contact/complaints>**
- Your right not to face discrimination because of your citizenship status and to file a discrimination complaint: **www.justice.gov/crt/filing-charge**.
- Your right to join with other workers to improve your pay or working conditions, including how to file a charge: **www.nlr.gov**.
- Your rights, obligations and exemptions to health insurance: **localhelp.healthcare.gov** (English) and **ayudalocal.cuidadodesalud.gov** (Spanish).
- Your rights if you are a crime victim. The Crime Victims' Rights Act: **<https://www.justice.gov/criminal/criminal-vns/victim-rightsderechos-de-las-v-ctimas>**
- I-94: **<https://i94.cbp.dhs.gov/I94>**
- Prospective employer petition status, USCIS case status online: **<https://egov.uscis.gov>**
- USCIS resources on human trafficking:
- **<https://www.dhs.gov/blue-campaign/resources-availablevictims>**
- **<https://www.uscis.gov/humanitarian/victims-of-humantrafficking-and-other-crimes>**

USCIS programs that provide immigration benefits for workers such as T and U nonimmigrant status:

- <https://www.uscis.gov/humanitarian/victims-of-humantrafficking-and-other-crimes>
- Refugee benefits and case management services if concerns of trafficking, visit the Office on Trafficking in Persons (OTIP) at
- <https://www.acf.hhs.gov/otip/victimassistance/childeligibility-letters>
- <https://www.acf.hhs.gov/otip/victim-assistancecertification>

For common migrant worker questions and resources (available in 8 languages, including English, Spanish, Arabic, Chinese, Haitian Creole, Portuguese, Vietnamese, and Tagalog) visit:

MigrantWorker.gov or
TrabajadorMigrante.gov



TIP: It's a good idea to keep a written record of all the time that you work. Get a notebook and write down all of the days and hours that you worked, how much you were paid, the dates you received a payment, any deductions taken from your paycheck, and the reasons for those deductions.

SAMPLE WEEKLY WORK LOG

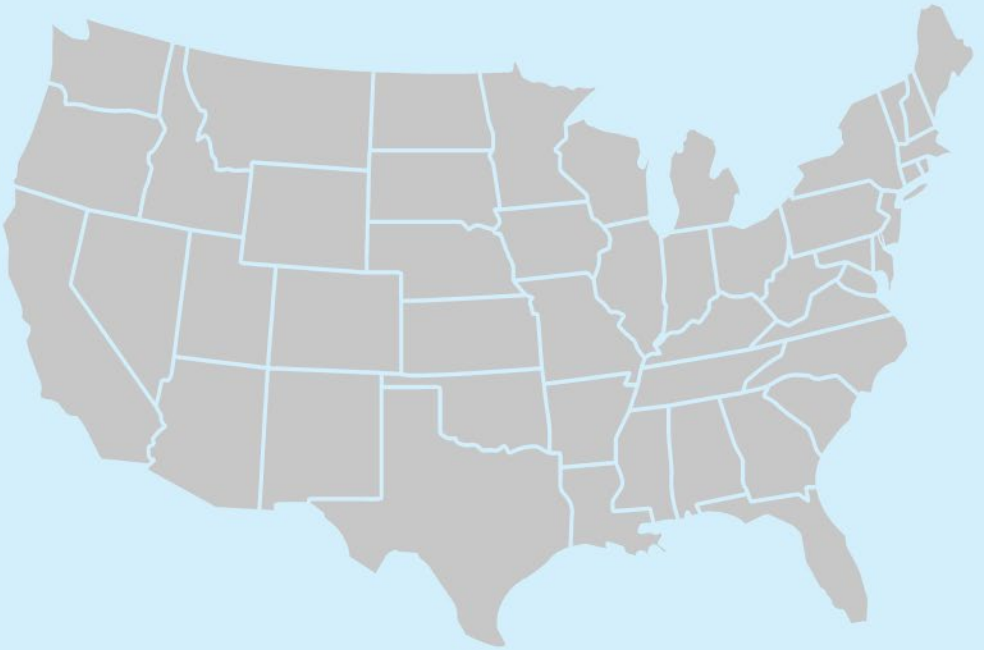
Employee:		Supervisor:	
Date:	Activities:	Hours:	Payment:
		In: _____ Out: _____ Total: _____	

Employee:		Supervisor:	
Date:	Activities:	Hours:	Payment:
		In: _____ Out: _____ Total: _____	

Employee:		Supervisor:	
Date:	Activities:	Hours:	Payment:
		In: _____ Out: _____ Total: _____	



THE UNITED STATES *of* AMERICA



To see an online version of this pamphlet
and the accompanying video, use your
smartphone camera to scan this QR code,
and open the link that pops up:



U.S. DEPARTMENT *of* STATE

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Act of 2008, Public Law 110-457