

Conoce tus Derechos Laborales como Trabajador

ILLINOIS WORKERS IN ACTION



TRABAJADORES DE ILLINOIS EN ACCIÓN

WORKERS
TRABAJADORES

POWER
PODER



ACTION
ACCIÓN

DONDE LA ABOGACÍA SE ENCUENTRA CON LA ACCIÓN

WWW.ILLINOISWORKERSINACTION.ORG

Train The Trainer: Employees' Rights



Immigrant Justice
THE RESURRECTION PROJECT

ILLINOIS WORKERS IN ACTION



TRABAJADORES DE ILLINOIS EN ACCIÓN

Objectives

1. Employees' rights
2. How to prepare for and respond to an ICE visit at the workplace
3. Resources for employees to create emergency plans



What is a Right?

*That which
belongs to a
person by Law,
nature or
tradition*



**What rights do
you have as an
employee?**



Your rights regardless of immigration status:

- Right to a job
- The right to receive minimum wage for each hour worked.
- The right to receive time and a half after 40 hours of work.
- A safe, healthy, and accident-free workplace.
- The right not to be discriminated against based on race, color, religion, sexual orientation, age, sex, language, or other grounds.
- The right to make collective or group demands and to be free from retaliation by their employer.
- In the state of Illinois, workers have the right to 24 hours of rest per workweek; however, they may work seven days off by choice, not by force.



Statutory and contractual rights

Both employers and employees have legal rights and responsibilities at work. Effectively, an employees' rights are employer's responsibilities and vice versa. These rights can be statutory or contractual. Research the website below and add the information in your answer:

<http://www.acas.org.uk/index.aspx?articleid=4701&q=Statutor+and+Contractual+Rights>

Statutory

Contractual

What statutory rights and responsibilities affect your job role?

Statutory

Statutory rights are passed by governments and apply to everyone in the world of work. They guarantee things like an employees' rights to safety in the workplace (Health and Safety at Work Act 1974).

Employees right to view any personal information held by an employer about them is also another right (Data Protection Act 1998.)

Contractual

These rights can differ from job to job. They are agreed by an employer and employee and are specified in the employee's contract of employment

What statutory rights and responsibilities affect your role?

Think about **the employee** statutory rights and responsibilities

Current employment legislation - Working Time Regulation 2007

Anti discrimination legislation- Equality Act 2010, race, religion, colour, disability

Contract of employment - minimum wage, sick pay, time off.

Security - Data protection, information security



General questions when applying for a job

How do I talk to a potential employer?

1. Ask for details about the job. What? Where? When?
2. Are they offering you at least minimum wage?
3. Ask for a contract if you're considered a general contractor.
4. The contract should include both parties' contact information, the date, total cost, timeframe (duration) of the job, payment due date, a job description, and a place for both parties to sign.
5. Keep a record of the hours worked each week and report it to your employer.
6. Try to keep your communication in writing, not through phone calls.



Contracts of employment and payslips

What is a contract of employment?

What should your contract of employment show you?

- Employer's name
- Employer's main address
- Start date
- Date of commencement of continuous employment
- Job title or brief job description
- Location of job
- Reference to collective agreements
- Remuneration: amount and pay intervals
- Reference to details of disciplinary and grievance procedures
- Hours of work
- Holiday entitlement
- Sick leave and sick pay entitlement
- Pension and pensions scheme entitlement (even if none) and stating whether or not a pension contracting out is in force
- Notice of termination
- Type of contract and, if fixed, the period it will run for

Section 1: Core Labor Law Compliance (Illinois & Federal)

Minimum Wage & Overtime

- **Illinois Minimum Wage (2025):** \$15/hour (statewide)
 - Tipped Employees \$9/hour. If an employee's tips combined with the wages from the employer do not equal the minimum wage, the employer must make up the difference.
 - \$13/hour applies to youths (under 18) working fewer than 650 hours per calendar year.
- **Chicago** \$16.60/hour (for 4+ employees)
 - Tipped Employees \$12.62/hour.
 - \$15/hour applies to youths (under 18) working fewer than 650 hours per calendar year.
 - Overtime pay (1.5x regular rate) is required after 40 hours/week (Illinois Minimum Wage Law & FLSA.)

Paycheck

Money Instructor, INC.				EARNINGS STATEMENT		
EMPLOYEE NAME		SOCIAL SEC NO.	EMPLOYEE ID	CHECK NO.	PAY PERIOD	PAY DATE
John Doe		xxx-xx-1234	1011	101	9/7 - 9/18	9/25
INCOME	RATE	HOURS	CURRENT TOTAL	DEDUCTIONS	CURRENT TOTAL	YEAR TO DATE
Gross Income	20.00	40.00	800.00	FEDERAL TAX	120.00	600.00
				FICA SS TAX	48.31	241.55
				FICA MEDICARE	11.60	58.00
				STATE TAX	42.25	211.25
YTD GROSS INCOME	YTD DEDUCTIONS	YTD NET INCOME	CURRENT TOTAL	CURRENT DEDUCTIONS	NET INCOME	
4000.00	1110.80	2889.20	800.00	222.16	577.84	

YTD - year to date

Section 1: Core Labor Law Compliance (Illinois & Federal)

Paid Sick Leave

- **Starting January 1, 2024**, all Illinois employees earn 1 hour of paid leave per 40 hours worked (up to 40 hours/year) – *Paid Leave for All Workers Act*
- Chicago and Cook County have additional protections under their own ordinances.

Meal and Rest Breaks

- 20-minute unpaid meal break required for shifts over 7.5 hours (must begin within the first 5 hours of work) – *One Day Rest in Seven Act (ODRISA)*



Section 1: Workplace Safety

- Employers must comply with OSHA standards and provide a safe work environment.
- Report serious injuries, post safety notices, and maintain hazard communication practices.



What is wage theft?

1. This occurs when an employee has already performed a job and the company doesn't pay them the full agreed-upon salary/hours.
2. This can be regular hours, overtime, or even the minimum wage.
3. When an employee is terminated, the company must pay the employee for the last few hours or weeks worked, including vacation pay, bonuses, or any benefits.
 - a. Vacation is paid as a proportional share when your employment ends.



How to identify wage theft?

- Lack of pay for regular and overtime hours
- When the company forces you to punch in minutes before your scheduled start and end time.
- Wage theft, when only some employees receive raises.
- When only some employees receive vacation pay and certain other benefits.



**Federal agencies that
protect workers' rights**

**State agencies that
protect workers' rights**



Whistleblower Protections

Your employer cannot retaliate against you for exercising the mentioned rights.

Examples of Retaliation:

- Terminating your employment
- Demoting you in the workplace
- Threatening to fire you
- Disciplinary
- Changing your working conditions to make them unfavorable
- Threatening to call the police or ICE



Concerted activity

In labor law, concerted activity refers to actions taken by two or more employees to improve their working conditions, often for their mutual aid or protection.



Constructive Discharge:

Where an employer deliberately makes working conditions intolerable to force an employee to quit.



**Talk with your
coworkers!**



Section 2: Immigration & Employment Law

1. Employment Verification (Form I-9)

- All employers must complete and retain a Form I-9 for each employee to verify identity and authorization to work
- Must not discriminate based on citizenship status or national origin (Immigration and Nationality Act - INA)

2. E-Verify (Optional in IL)

- Not required in Illinois, but businesses using E-Verify must follow strict non-discrimination rules.
- Illinois law prohibits misuse of E-Verify to intimidate or retaliate against workers.

3. Retaliation is Illegal

- It's illegal to threaten to call ICE or use immigration status to intimidate workers.
- Workers have protection regardless of status under **NLRA, Title VII, Illinois Human Rights Act**, and others.



Red Flags

- Selective audits targeting workers by ethnicity or rumors
- Using audits to retaliate against whistleblowers

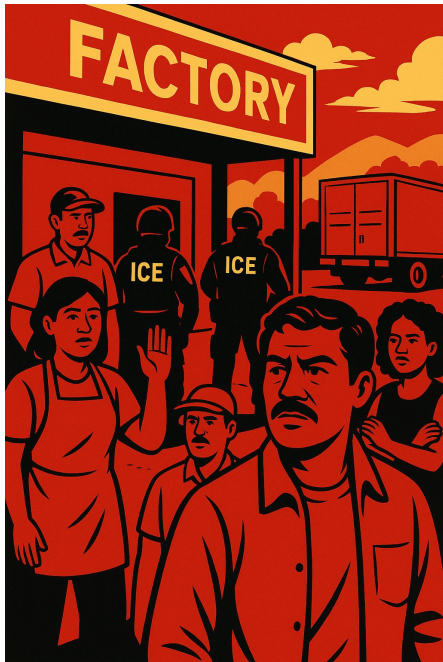


Know your rights at work

With immigration enforcement increasing under the current administration, it is more important than ever for workers and employers to be informed and prepared. This presentation aims to provide key information about your rights and what to do if ICE arrives at your workplace.



Steps to Prepare for a Possible ICE Visit at Work



- Step 1: Know Your Rights
- Step 2: Create a Workplace Protection and Response Plan
- Step 3: If One Doesn't Exist, Request One

Understand the Types of actions ICE takes

- Form I-9 Audit: ICE reviews your employees' documents to verify their work authorization.
- ICE Raid: An unexpected visit to detain or question workers.
- Targeted Arrests: ICE is looking for specific individuals, but may question others.



Private Areas

- Private spaces are areas where people have a reasonable expectation of privacy, such as indoor areas or spaces marked with a "private" sign.
- Employees should never consent to agents entering private areas without a warrant.
- Businesses should label private areas of the workplace with "Employees Only" signs or keep them closed to the public.
- This will ensure that ICE agents cannot legally enter private areas of the workplace without consent.



Sample of signs to designate private areas



Before an ICE Action – **Prepare**

- Create a written response plan (such as a fire drill).
- Train staff to say, "You must speak to my employer."
- Post "Private" signs and limit access to those areas.
- Offer training on their rights and share a list of trusted attorneys.
- Connect with a local immigration response network.



In case of an ICE visit to our offices

What to do?

Stay calm and alert. DO NOT open the door

Request to see ID and a valid warrant

Do not provide information

Contact leadership and legal team

Follow legal team advice and guidance

Document the interaction

What to say?



During an ICE Visit

- Don't panic or run—this can make the situation worse.
- ICE can enter public areas, but not private areas, without a warrant.
- Request and review any warrant. Deny access if it's invalid.
- Don't share employee information or help separate employees based on immigration status.
- Record or document the visit if it's safe to do so.



**What have you been hearing in the
community?**



Time To Create

Emergency Plans



Workplace Protection & Response Plan (Prevention)

A. Designation of Response Team

- Point of Contact (POC): [Name, Title, Phone]
- Back-Up Contact(s): [Name(s), Title(s)]

These individuals are the only ones authorized to communicate with ICE/federal agents.



Workplace Protection & Response Plan (Prevention)

B. Training

- All staff will receive Know Your Rights training annually.
- Staff will be trained on how to respond to ICE or law enforcement presence, including:
 - Refusing access to non-public areas without a judicial warrant
 - Exercising the right to remain silent
 - Directing agents to the designated POC



Workplace Protection & Response Plan (Prevention)

C. Signage & Space Control

- 'Private Area' signs will be posted on non-public spaces.
- Access to non-public areas is restricted to authorized personnel.
- Doors to private areas remain closed or locked.



Workplace Protection & Response Plan

(RESPONSE DURING AN INCIDENT)

A. If ICE or Federal Agents Arrive

1. Stay calm and do not panic or run
2. Direct the agents to the designated POC
3. Do not provide any documents, information, or access without review
4. If presented with a warrant:
 - Request a copy and verify if it is a judicial warrant (signed by a judge)
 - If it is an administrative warrant (I-200 or I-205), deny access to private areas
5. Record or document agent actions, if safe to do so.

Workplace Protection & Response Plan

(RESPONSE DURING AN INCIDENT)

B. Communication

- Notify legal counsel and union representatives (if applicable)
- Inform workers and management with verified information only
- Contact family members of impacted workers if needed



Workplace Protection & Response Plan

(V. POST-INCIDENT ACTIONS)

A. Worker Support

- Offer leave to workers while they secure legal support.
- Pay owed wages and benefits promptly.
- Allow return with full seniority once authorized.



Workplace Protection & Response Plan

(V. POST-INCIDENT ACTIONS)

B. Legal & Community Response

- Connect workers to immigration legal aid and rapid response networks.
- Support legal defense fundraising.
- Provide job references as needed.



Resources

VI. RESOURCES

- Legal Aid Contact: [Name / Organization / Phone / Email]
- Local Rapid Response Network: [Contact Info]
- Know Your Rights Materials: [Location or Link]



Worker Petition for a Workplace Protection & Response Plan

To: [Company Name] Management / Human Resources

Subject: Request for Protections and a Response Plan in the Event of ICE or Law Enforcement Actions at the Workplace

Dear [Manager/HR Representative],

We, the undersigned employees of [Company Name], respectfully urge company leadership to establish and communicate a clear, written **Workplace Protection & Response Plan** in the event that ICE, federal agents, or local law enforcement enter or attempt to enter our workplace without a valid judicial warrant.

As dedicated workers, we believe that all employees—regardless of immigration status—deserve to feel safe and protected at work. Recent increases in immigration enforcement across the country have created significant fear and uncertainty among workers and their families. It is essential that [Company Name] take proactive steps to protect the rights and dignity of all employees and ensure that our workplace complies with the law.

We specifically request that the company:

1. **Establish a clear, written protocol** outlining how management and staff should respond if ICE or other agents arrive at the workplace.
2. **Train supervisors and staff** on how to respond, including understanding the difference between judicial and administrative warrants.
3. **Designate and post private/non-public areas** in accordance with federal guidance.
4. **Refrain from voluntarily sharing employee information or immigration status** without a valid legal requirement.
5. **Ensure workers are not retaliated against** for exercising their rights or expressing concerns related to enforcement actions.

By putting these protections in place, [Company Name] demonstrates its commitment to the safety, dignity, and well-being of its workforce. We are not asking for anything unlawful—only for our workplace to uphold due process and treat all workers with humanity and fairness.

We would welcome a meeting to discuss this matter and work collaboratively toward a plan that reflects our shared values of safety and respect.

Sincerely,

[Space for names, signatures, job titles, and dates].



Tips to remember

- We all have Rights!
- Right to **organize** and join unions (NLRA)
- Right to **report wage theft**, discrimination, or unsafe conditions without retaliation
- Right to **equal pay** for equal work regardless of race, gender, or status
- Right to a **workplace free of harassment and discrimination**
- **Train workers to stay calm, silent, and request a lawyer**



Legal Resources

The Resurrection Project (Immigration)

<https://www.illinoisimmigrationinfo.org/>

Illinois Workers in Action (Labor)

<https://www.illinoisworkersinaction.org/>

Email: Info@illinoisworkersinaction.org

**Illinois Coalition for immigrant and
refugee rights**

Family Support Hotline at

1-855-435-7693

<https://www.icirr.org/resources>

**The Midwest Immigration Bond
Fund**

www.mibfc.org



How will you use this
information?



