

LEGAL RIGHTS OF UNDOCUMENTED WORKERS

**If you are undocumented and working,
what legal rights apply to you?**

YES, THESE APPLY:	NO, DO NOT APPLY:
You have the right to file a complaint for unpaid wages, overtime, and vacation pay	
You have the right to file a demand for worker's compensation benefits if you are injured on the job	
You are covered by health and safety laws (if you work in the private sector) and may be able to sue a manufacturer that made the product which contributed to your workplace injury	
You may sue an employer for retaliation or wrongful discharge if fired for complaining about working conditions or wages	
You have the same rights to organize and bargain over wages and working conditions.	You do not have the right to seek back wages after being fired for union organizing (Hoffman Plastics case)
You are covered by anti-discrimination laws.	
You are covered by FMLA.	
	You do not have the rights to receive unemployment Compensation, for which you have to have a valid social security number to apply.

WORKING WITH UNDOCUMENTED IMMIGRANTS

Some of the participants in your workers rights classes may be undocumented immigrants. **It is important not to ask if anyone is undocumented**, but it is helpful to explain how the law does or does not apply to undocumented workers. While the accompanying chart states what the law says, how the law is implemented is another issue. The agency that handles all wage claims in the state, the Attorney General's office, does not care whether a worker is documented or undocumented because it is the employer's obligation to pay wages for hours worked. Workers are also protected from retaliation for filing claims under these acts whether or not they are documented. In the case of the federal laws, the situation is trickier. Recent court cases have made it harder for undocumented workers to use these laws without risk. Also, employers often retaliate in ways that are hard to prove. Before recommending that an immigrant worker go to a government agency, especially a federal agency, **it is best that they check first with an advocacy organization**. See the appendix for a list of organizations in your area.

Documented workers are covered by all laws.

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You have the same rights to organize and bargain over wages and working conditions.	You do not have the right to seek back wages after being fired for union organizing (Hoffman Plastics case)
You are covered by anti-discrimination laws.	
You are covered by FMLA.	
	You do not have the right to receive unemployment compensation without a valid social security number.

Safe (😊) and Unsafe (😞) Agencies for Immigrant Workers

Note: The chart below shows which agencies are safe for undocumented immigrant workers *at the present time*, and those that are unsafe OR that cannot help undocumented workers. Since policies and personnel change, we recommend that any undocumented worker first seek advice from legal services or an advocacy organization before going to a government agency.

Agency	Documented Worker	Undocumented Worker
Massachusetts Commission Against Discrimination (MCAD) 1 Ashburton Place, Boston 617-727-3990 436 Dwight St., Springfield 413-739-2145 455 Main St., Rm 100, Worcester 508-799-8010	😊	😊
Equal Employment Opportunity Commission (EEOC) JFK Federal Building 475 Government Ctr, Boston 800-669-4000	😊	😊
National Labor Relations Board (NLRB) Tip O'Neil Federal Building 10 Causeway St., 6 th floor, Boston 617-565-6700	😊	😊
Massachusetts Division of Labor Relations 19 Staniford St., 1st floor, Boston, MA Boston: 617-626-7132 Springfield: 413-784-1230	😊	😊
Wage & Hour Division, U.S. Department of Labor JFK Federal Building Room 525, Boston 617- 624-6700 1441 Main St., Rm 420, Springfield 413-785-0354 17 Broadway, Rm 308, Taunton 508-821-9106	😊	😊

Agency	Documented Worker	Undocumented Worker
Massachusetts Division of Unemployment Assistance (DUA) 19 Staniford St, Boston General Information: 617-626-6560	😊	😞
Office of Special Counsel (OSC) US Department of Justice PO Box 27728, Washington, DC 20038-7728 800-255-7688	😊	😞
Social Security Administration O'Neill Federal Building, Room 148 10 Causeway St., Boston 800-772-1213	😊	😞
Legal Services Agencies		
Greater Boston Legal Services 197 Friend St, Boston 617-371-1234	😊	😊
Western Massachusetts Legal Services 127 State St., 4 th floor., Springfield 413-781-7814	😊	😊
Southeast Massachusetts Legal Assistance Corporation 231 Main St. Suite 201, Brockton 508-586-2110	😊	😊