



IMMIGRANT EMPLOYEE RIGHTS UNDER THE NATIONAL LABOR RELATIONS ACT

Regardless of immigration status, you have the same rights under the National Labor Relations Act (NLRA) as all covered employees including the right to:

- Organize with a union to negotiate with your employer concerning your wages, hours, benefits, and other working conditions.
- Talk about working conditions with your co-workers, the public, or a union.
- Take action with your co-workers to try to improve your working conditions.
- Choose not to do any of these actions.

Although employers must obey immigration laws, if you choose to talk to or take action with your co-workers to improve your working conditions, it is illegal for your employer to use your immigration status against you.

For example:

- Employers cannot threaten to call ICE because you and your co-workers tried to join a union.
- Employers cannot demand that you produce new immigration papers because you talked with your co-workers or a union about your working conditions.

If you believe that your employer has retaliated against you, your coworkers or your union, you can contact the National Labor Relations Board (NLRB) to file a charge. The NLRB will investigate the charge, which includes:

- Taking your affidavit and asking for your evidence. Because you are protected under the NLRA just the same as any other worker and because an individual's immigration status is not relevant to whether the NLRA has been violated, the NLRB will not ask about your immigration status or the immigration status of others during our investigation or litigation to prove violations of the NLRA.
- The NLRB may take legal action against your employer if the evidence shows that your employer is unlawfully using your immigration status to threaten or retaliate against you because you exercised your rights under the NLRA. The NLRB may also work with other agencies to ensure that immigration laws are not being used to threaten or retaliate against workers for exercising their rights under the NLRA.
- If your employer has fired you because you exercised your rights under the NLRA, the NLRB will work to get your job back and to get you paid for your lost wages. But if the employer proves that you were not authorized to work, the NLRB cannot order the employer to pay you lost wages and may not be able to get you your job back. In those situations, the NLRB will seek other remedies and may work with immigration agencies to assist with employees who have been victims of labor rights violations. For example, the NLRB may consider whether you could be eligible for a U or T visa or deferred action and may work with immigration agencies to try and obtain this kind of relief.

Contact the NLRB: www.nlrb.gov, 1-872-762-NLRB (6572), or download our mobile app!