

## Steps you can take to PROTECT YOUR RIGHTS...

1. Keep accurate and complete records of your work hours & wages.
2. Keep originals of all documents.
3. Don't sign anything unless you know exactly what it is and what it means.
4. Never volunteer any information that might compromise your future ability to exercise your rights.

5. **Encourage** co-workers to keep records to protect their labor rights.



6. **Educate** yourself and others about basic labor rights.

7. **Organize** to improve working conditions in your place of employment.

8. Organize to ensure government agencies are accountable to all workers regardless of immigration status

9. Organize to support campaigns for social change led by working class people.

All workers have rights at work, regardless of immigration status. Learning and advocating for your rights, together with other workers, is an important step to improving the quality of life for both homecare workers and the people that they care for.

### CARING FOR HOME CARE WORKERS

....a project of *Filipinos for Affirmative Action*

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Knowing &  
Protecting your  
Homecare  
Workers Rights!



A guide to your rights &  
resources for  
homecare workers...

Caring for Homecare Workers  
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## YOUR BASIC RIGHTS...

1. **You have a right to be paid the minimum wage:** The minimum wage in California is \$8.00/hour
2. **You have the right to be paid for overtime and double time work shifts:** For all time worked after 8 hours, or after 40 hours of work in one week, you are entitled to 1.5x your regular rate of pay. After 12 hours of work, you have the right to 2x the regular rate of pay for additional time worked.
3. **You have the right to a meal period:** You are entitled to a meal period of at least 30 minutes if you work more than 5 hours. You must be relieved of all work duty during your meal period. If your employer does not give you a meal period, they must pay you an additional hour of pay at your regular pay rate for each workday you had no meal period.
4. **You have the right to file a workers compensation claim if you are injured on the job:** You have the right to process your claim and are protected from termination. To file a claim call 1-800-736-7401 or visit [www.dir.ca.gov](http://www.dir.ca.gov)
5. **You have a right to be provided all of the tools necessary to do your work:** Tools, including uniforms, should be provided and maintained by the employer at no cost to you.
6. **You have the right to a pay stub or wage statement every time you are paid your wages.** Your pay stub or written statement must show: Employer's name & contact information, Your name & Social Security number, Gross wages earned, ALL deductions, and dates you are being paid for.
7. **You have the right to be paid everytime your employer asks you to report to work.**
8. **You have the right to be paid all wages by your employer the same day you are terminated or within 72 hours of voluntarily quitting:** If you are terminated, your employer must pay all wages you are due immediately. If you voluntarily quit, your employer must pay you within 72 hours. If your employer fails to pay you, they may be penalized and required to pay the equivalent of one day's pay for each day late (up to 30 days).

9. **You have the right to file a wage claim, a discrimination complaint or speak with the California labor commissioner without retaliation from your employer:** Your employer may not discharge, demote, suspend or discipline you in any way.
10. **You have the right to take "concerted action" with other workers to improve your working conditions:** Your employer may not discharge, demote, suspend or discipline you in any way for taking action with other workers to enforce your rights.
11. **You have the right to remain silent about your immigration status.**
12. **All workers and immigrants have protections guaranteed by the US constitution.**

### Homecare Workers are NOT always protected:

#### *The right to a healthy workplace....*

Domestic & private homecare workers are the only workers who do not have the right to file a complaint with Cal/OSA if they are working under unsafe conditions. But if you are injured at work, you can qualify for workers compensation.

#### *The right to organize....*

Domestic & private homecare workers are the only workers who do not have the right to organize a "union," which has the power to negotiate a binding contract with employers. You DO have the right to organize with other domestic & homecare workers to form a "workers' association."

#### *The right to be free of discrimination...*

The laws that prohibit discrimination on the basis of race, gender, religion, etcetera, only apply to employers who have more than 5 employees. So domestic & private homecare workers who work alone in a home or in small groups are not protected by these laws.

#### *The right to take leave....*

The California Family Rights Act provides 12 weeks of unpaid leave per 12 month work period to care for a new child, family member with a "serious" health condition, or for your own "serious" health condition – however, this act only covers employers with 50 or more employees. The Pregnancy Disability Leave provides a maximum of 16 weeks leave for a disability related to pregnancy, but only covers employers with 5 or more employees.

*This needs to change....*

## WHAT TO DO IF YOUR RIGHTS ARE VIOLATED...

If you are DISCRIMINATED AGAINST, and you work for a company with 5 or more workers: File a complaint with the **Division of Labor Standards**

### Enforcement.

If your WAGE RIGHTS have been violated: File a wage claim with the **state labor commissioner**: The California Department of Industrial Relations will not question immigration status. They will process ALL wage claims, hold hearings to recover unpaid wages and represent workers, investigate retaliation complaints and file court actions to collect back pay, and enforce CA state employment laws to protect ALL CA workers.

If you are a victim of RETALIATION – or you were punished for complaining or organizing:

File a retaliation complaint with the **Labor Commissioner** nearest you (above) or the **National Labor Relations Board**.

If you feel you are a victim of "WRONGFUL TERMINATION," or were terminated for reasons you think are false or unfair: File a claim by calling the **Equal Employment Opportunity Commission (EEOC)** Or the **Department of Fair Employment and Housing (DFEH)**.

For all violations of ANY OF YOUR RIGHTS, call Filipinos for Affirmative Action for support right away!

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