

Immigrant Workers' Rights

by Ki Kim



Although only documented immigrants can legally work in the U.S., the reality is that the U.S. economy continues to employ undocumented workers. According to 2000 Census figures, the U.S. workforce includes six million undocumented workers, who represent about five percent of all workers.

Of undocumented men, 96% are working. This rate is higher than the rates for both native-born and documented men. In light of their presence and continued participation in the workforce, courts and agencies at the federal and state levels have recognized the importance of protecting the rights of undocumented workers. Failure to do so would create a subclass of workers especially vulnerable to exploitation. It would also undermine the entire system of laws set up to protect *all* workers' right to unionize, right to safe and healthy workplaces, and right to receive fair pay for their work. The box to the right lists the rights of workers that have been reaffirmed for all immigrants, including undocumented workers.

Right to unionize. According to the National Labor Relations Board, all workers, regardless of immigration status, have the right to engage in collective bargaining and to unionize for better working conditions.

Right to be free from workplace discrimination. The Equal Employment Opportunity Commission, which enforces the Americans with Disabilities Act, Age Discrimination in Employment Act, Equal Pay Act, and Title VII of the Civil Rights Act, reaffirmed that undocumented workers remain covered by these federal employment discrimination laws.

Right to minimum wage and overtime pay. All workers, regardless of immigration status, continue to be protected by the federal Fair Labor Standards Act and state wage and hour laws for "work already performed."

Right to a healthy and safe working environment. The federal Department of Labor has reaffirmed that all workers, regardless of immigration status, continue to be protected by the Occupational Safety and Health Act (OSHA), and the Mine Safety and Health Act.

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This article is based in large part on copyrighted materials by the National Immigration Law Center (NILC). For more information about the rights of immigrant workers, visit NILC's Web site at <www.nilc.org>.