

# YOUR RIGHT TO A SAFE WORKPLACE

## 4 FACTS FOR IMMIGRANT WORKERS



All workers have the right to speak up about safety and other workplace rights without fear of retaliation. This fact sheet summarizes these rights - and explains a new process at the U.S. Department of Labor (DOL) to help undocumented workers take action with greater protection, a step advocated by the COSH Network and many others.

### **1. All workers have a right to a safe workplace.**

- U.S. worker safety law, the Occupational Safety and Health Act, requires that employers keep all workers safe from harm. This includes immigrant and undocumented workers.



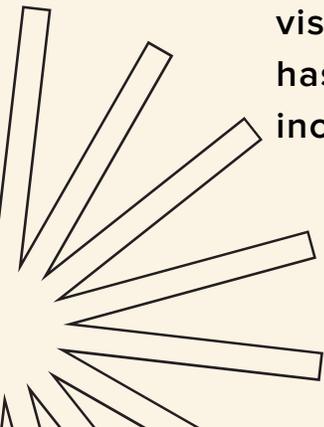
[www.NationalCOSH.org](http://www.NationalCOSH.org)

## **2. You have a right to discuss issues and concerns about safety in your workplace.**

- If you see a hazard that could harm you or your co-workers, you have a right to speak to your employer. It is often most effective to join with co-workers when talking about safety or other problems in the workplace.
- If your workplace has elected union representation, you can discuss safety issues with your union officers or representatives. With or without union representation, you can contact a COSH, worker center or community group.
- You can also contact OSHA, the federal agency responsible for workplace safety, at 1-800-321-OSHA. Calls are accepted at this number in both English and Spanish. OSHA – the Occupational Safety and Health Administration – is part of the U.S. Department of Labor.
- The Department of Labor, including OSHA, does not inquire into immigration status as part of DOL investigations or proceedings. This means you can call OSHA about a safety concern in your workplace, and your immigration status will not be part of the conversation.

## **3. If there is a safety investigation at your workplace, you have the right to participate, regardless of immigration status.**

- As part of their responsibility to enforce safety laws, inspectors from OSHA (or a comparable state agency) may visit your workplace. This may take place if you or a co-worker has contacted OSHA, or if there has been a safety-related incident at your workplace.



- You have the right to meet with safety inspectors to answer their questions and to discuss any concerns you have about safety on the job.
- Your employer is prohibited by law from retaliating against you for exercising this right. Contact COSH or another worker center immediately if you are threatened or punished for taking action for your safety. You can file a retaliation complaint with OSHA in any language and submit it to your regional OSHA officer responsible for enforcement. You must file your complaint within 30 days of the incident.

#### **4. If there is an OSHA investigation or other safety action at your workplace, the Department of Labor has a new process you can use to request protection from any immigration action.**

- Workers, unions, worker centers, attorneys or other advocates can email the DOL at [statementrequests@dol.gov](mailto:statementrequests@dol.gov), and share information as in the “sample request” on the following page.
- If the DOL determines that your participation, free from retaliation, is needed to enforce safety laws and/or other laws which protect workers, it will write a “Statement of DOL Interest” about the investigation or action at your worksite.
- This “Statement of DOL Interest” will be shared with you and/or your advocate and representative. It will also be sent to the Department of Homeland Security, which has final authority over immigration enforcement.

**We all have a right to a safe workplace.  
Together, we can protect each other, our co-workers and our families.**

*If you have questions or need more information,  
please contact us at [info@NationalCOSH.org](mailto:info@NationalCOSH.org).*

# SAMPLE EMAIL REQUEST



New Message



To **statementrequests@dol.gov**

Subject **Statement of DOL Interest**

To the Department of Labor:

#### WHO YOU ARE:

[Employees OR include specific names] at NAME OF EMPLOYER are involved with a dispute involving [health and safety, wage, etc. rights].

#### WHAT IS THE DISPUTE

[Workers reported an injury, incident or other safety and health (or other labor rights) concern;

Workers recently called OSHA because of health and safety hazards;  
OSHA is investigating a worker safety and health problem.]

#### WHY WORKERS ARE AFRAID OF IMMIGRATION-RELATED RETALIATION

Our employer has threatened or taken action against us by...

Our employer has talked about our immigration status to intimidate us against speaking up...

Some of us have immigration status issues and are afraid we will be reported to DHS if we complain or cooperate in the DOL investigation

#### REQUEST

We ask that the Department of Labor submit a "statement of DOL Interest" asking DHS to use its discretionary authority to stop any immigration-related action against workers at this company.

In this email, workers should not include:

- Individual workers' immigration histories or needs;
- Sensitive personally identifiable information, including dates of birth, Social Security Numbers, or Alien Registration Numbers

SEND

