

MODULE 1

Introduction to Workers Basic Legal Protections on the Job

Module Overview

Time: 75 to 90 minutes

- Objectives:**
- to name workplace problems and issues
 - to identify where rights come from
 - to introduce some laws that govern the workplace
 - to explore how these laws address some workplace problems

- Preparation:**
- read “In a Nutshell” sections of chapters one, four, five, six, seven, twelve, and thirteen in Schwartz, “*Your Rights on the Job*”. Review *Workplace Laws* cards and *Workplace Issues and Rights* answer sheet (goes with *Pictures of Workplace Situations*)
 - prepare flipcharts
 - read and copy handouts: *Participant Outline*; *Pictures of Workplace Situations*; *Workplace Laws*; *Partial List of Advocacy Organizations*; *Safe/Unsafe Agencies for Immigrant Workers*

Materials: flipchart, markers, masking tape

Module Outline

Module Detail

Welcome and Introduction

Time: 5 minutes

Flipcharts: *Objectives and Agenda*

Who is Here?

Time: 10 minutes

Welcome and Introduction

Welcome participants, introduce yourself and review workshop objectives and agenda. It is helpful to put the Objectives and Agenda on flipcharts to post.

Icebreaker: Who is Here?

Ask participants to introduce themselves, giving their name, and union or organizational affiliation, if any, and one thing about their past or present work experience.

Workplace Issues and Rights on the Job

Time: 25 minutes

Handouts: *Workplace situations pictures*

Flipchart: *Workplace Issues and Rights*

Activity 1: Workplace Issues and Rights on the Job

Break participants into small groups or pairs and distribute the ten workplace issues pictures among the groups. Ask participants to discuss the following:

- What is happening in the picture?
- What issues, problems or needs are being shown?
- What rights do they think they have as workers to deal with these issues?

Allow 10 minutes to discuss pictures.

Ask each pair to share their pictures and present their ideas of issues and work rights to the group. List their answers on flipchart: *Workplace Issues and Rights*. Ask participants what other workplace issues or problems they have encountered, add to list.

Ask where they think these rights come from. After brief brainstorm, sum up and state that these rights come from laws, a union contract or workers acting together with other workers. Point out that the laws which protect workers are the result of the efforts of unions and other groups working together, which will be addressed in other sessions. Explain that in this session there will be a brief **overview** of which rights workers have **by law**.

Legal Rights of Workers

Time: 25 minutes

Handouts: *The Laws* cards

Activity 2: Legal Rights of Workers

There are 12 cards listing the major laws protecting workers in the workplace. Ask for 12 volunteers and distribute the cards to them. (If you have less than 12 participants, give some participants 2 cards of laws passed in the same or close to the same year.) Each card lists a law protecting workers' rights and the year it was passed. On the reverse side it briefly states what protection the law offers, and whether there are restrictions on what categories of workers are covered by the law.

Ask participants to line up (in a curved line so that they can see one another) by the date of passage of their law – the earliest year at the left end of the line to the most recent date at the right end of the line. Then ask them, one by one, to read the only the information that is boxed - **the name of law, year passed, and what protection the law offers**. After everyone has read the laws, explain that most of these laws cover both documented and undocumented workers, and private and public sector workers. Ask participants to step forward if their law is restricted to certain workers. (i.e. OSHA - private only; unemployment laws - documented immigrants only)

Note to Facilitator:

There are 2 options for the next task in this activity. If you are doing this module as part of a series, or have limited time, use the large group version. If doing this module as a stand alone session and do not plan to do other modules describing laws in more detail, or if you have enough time, substitute the small group version.

Large group version

Using the *Workplace Issues and Rights* flipchart from previous exercise, call out each workplace issue, one at a time. Ask participants to step forward as a problem is named, if they think the law on their card offers workers protection for that problem. (Facilitator use the *Workplace Issues and Rights* answer sheet to make sure that laws are identified correctly.) As each volunteer steps forward, ask the other participants “Do you agree? Do you know of other laws that would apply to this problem?” If a problem is named that no law covers, ask participants “What can you do if the workplace problem is not covered by a law?” (Suggestions - union contract could cover, workers can collectively work to solve the problem in the workplace, etc).

Small group Alternative**Time:** 10 additional minutes**Handouts:** *Workplace Laws*

Using the *Workplace Issues and Rights* flipchart from previous exercise, call out the first 2 or 3 workplace issues. Ask participants to step forward as a problem is named if they think the law on their card offers workers protection for that problem. (Facilitator use the *Workplace Issues and Rights* answer sheet to make sure that laws are identified correctly.) As each volunteer steps forward, ask the other participants “Do you agree? Do you know of other laws that would apply to this problem?” If a problem is named that no law covers, ask participants “What can you do if the workplace problem is not covered by a law?”

After modeling the exercise with 2 or 3 issues in a large group, break the participants into small groups, assigning each group 3-4 of the workplace problems listed on the flipchart. Give each group the Workplace Laws Handouts and ask them to determine which law(s), if any, would apply to their workplace problems.

After 5-6 minutes, bring the group back together and do a report back. Name each workplace problem, asking which law(s) the small group thought applied to that problem, then asking other participants if they agree, have any additions and what they could do if no law covers the problem. (Facilitator use the *Workplace Issues and Rights* answer sheet to make sure that laws are identified correctly.)

Rights of Undocumented Workers

Time: 5 minutes

Handouts: *Partial List of Advocacy Organizations; Safe and Unsafe Agencies for Immigrant Workers*

Summary

Time: 5 minutes

Note to Facilitator:

Rights of Undocumented Workers

Ask participants to listen to the following mini-rap on Rights of Undocumented Workers:

Mini-rap:

“Most of these laws apply to undocumented workers as well as documented workers. An exception is unemployment compensation, for which you have to have a social security number to apply. The agency that handles all wage claims in the state, the Attorney General’s office, does not care whether you are documented or undocumented because it is the employer’s obligation to pay you your wages once you have worked. Similarly, you are entitled to workers compensation if you are injured on the job whether or not you have official papers. You are also protected from retaliation for filing claims under these acts whether or not you are documented. In the case of the federal laws, the situation is more tricky. Recent court cases have made it harder for undocumented workers to use these laws without risk. Also, employers often retaliate in ways that it are hard to prove. Before going to a government agency, especially a federal agency, **it is best to seek advice from legal services or other advocacy organizations.** The handouts: Partial List of Advocacy Organizations, Safe Unsafe Agencies for Immigrant Workers may be used as a guideline.”

Ask participants “*What questions do you have?*”

Summary

“Legal protections are important, but not all laws cover all workers and the process for getting legal rights can be lengthy. A union contract may give additional protections or a faster way to remedy the situation. If you don’t have a union, you may need to organize around violations of the law to pressure the employer to make change. Sometimes there is no law to cover a workplace problem - then we need to come up with other strategies along with our co-workers.

Each of the laws identified in this session, as well as other workplace rights for all workers, including immigrants, will be covered in more detail in the next eight sessions. We will also identify where you can go for more information on each law or to file a complaint if you feel that the law is being violated.”

If this is a stand-alone session, or you will be doing less than the entire series, please modify the summary as needed.