

Workplace Protections Related to Immigration Status

Notice of Immigration Inspections

If your employer receives notice of an upcoming immigration agency's inspection of I-9 Employment Eligibility Verification forms or other employment records, your employer will post a notice informing workers and their union representative, if applicable, within 72 hours of receiving that notice.

Your Protections Against Unfair Immigration-Related Practices

Employers cannot retaliate against you or threaten immigration-related action when you exercise your rights. Employers cannot take any of the following actions because you exercised your rights:

- Refusing to accept identification documents during the I-9 process (proof of ID and federal permission to work) that appear to be genuine.
- Using E-Verify in a way not required or authorized by law.
- Reporting or threatening to report you or your family to immigration authorities.
- Filing or threatening to file any false report to the police or a state or federal agency.

Your Right to Designate an Emergency Contact

Your employer will allow you to provide them with emergency contact information and to indicate if you want the emergency contact to be notified if you are arrested or detained at work. If you are arrested or detained at work and your employer has knowledge of it, they will notify your designated emergency contact if you choose that option.

Your Right to Organize a Union or Engage in Protected Activity in the Workplace

Most employees in California have the right to organize, join, or participate in union activities. Employees also have the right to jointly act with co-workers to address work-related issues and concerns to improve working conditions or for the purpose of collective bargaining. This means you have the right to join with coworkers to request better working conditions or raise work-related concerns, including about wages, hours, health and safety, and other terms of employment. You also have the right to not participate in union activities or protected activities. It is illegal for your employer to:

- Interfere with or discourage your union activity or protected activities.
- Threaten you, or retaliate or discriminate against you, because of your union support or protected activities.

Your Rights When Interacting with Law Enforcement, Including Immigration Agents, in the Workplace

California workers have certain rights and protections under the U.S. Constitution, regardless of their immigration status, including when law enforcement (including a federal immigration agent) approaches you.

Your Right to Be Free from Unreasonable Searches (*U.S. Constitution, 4th Amendment*)

- In general, law enforcement officers, including immigration agents, must have legal authority to search your person or personal belongings. In many situations, officers may conduct the search only if they have a judicial warrant, your consent, or another recognized legal basis.
- If the officer conducts the search, even if you say no – remain calm, do not physically resist, and do not run.

Law enforcement can enter public areas without a warrant. Public areas may include a lobby, waiting room, public dining area, or parking lot of a workplace. In most circumstances, law enforcement needs a judicial warrant, signed by a judge, to enter *non-public areas* of your workplace without consent. Non-public areas may include a breakroom, employee restroom, workspace, or any area marked as employees only. Administrative forms, such as an I-200 or I-205, are not a judicial warrant.

Your Right to Be Free from Unreasonable Seizures (*U.S. Constitution, 4th Amendment*)

- You are protected against unreasonable seizures, which can include being stopped, detained, or arrested.
- Law enforcement must generally have a reasonable suspicion of wrongdoing before they can stop and question or search you. You can ask “Am I being detained?” or “Am I free to leave?” If the officer says that you are not being detained or you are free to leave, then you can walk away calmly.
- An arrest generally requires probable cause and occurs when a person is taken into custody by law enforcement officers.
- In general, law enforcement agents do not need a judge-signed warrant to arrest someone in public as long as there is probable cause.
- You have the right to speak to a lawyer if you are arrested. You may be pressured to sign documents. You may choose not to sign anything without first speaking to an attorney.

Your Right to Remain Silent (*U.S. Constitution, 5th Amendment*)

- Anything you say to law enforcement officers can be used against you in court or other legal proceedings.
- You generally have the right to remain silent, even if you are asked about your immigration status.
- If you wish to remain silent, clearly state so, request to speak with an attorney and then remain silent.

Your Right to Record Interactions with Law Enforcement in Public Spaces Under the 1st Amendment

In general, members of the public have the right to openly observe and record officers and government officials carrying out their duties in public, so long as the recording is lawful and does not interfere with law enforcement activities. If you choose to record, you should stand a safe distance away and do not interfere with the officer's actions. Physical obstruction or verbal escalation can put your safety at risk and may lead to criminal charges.

Access to Legal Representation

If you are arrested for a crime, you have the right to an attorney. If you cannot afford an attorney, you can get a government-appointed attorney to represent you in a criminal case.

However, if you are arrested by U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP), which includes Border Patrol, for civil immigration violations, you have the right to consult with a lawyer at your own expense, and the government is not required to provide a lawyer for you. If you are arrested by ICE or CBP, you may invoke your right to speak with an attorney before saying or signing anything. You may also ask to speak to your consulate who may provide assistance.

Workers' Compensation

You have the right to workers' compensation benefits if you are injured or become ill because of your job. The benefits provide you with medical care for your injury/illness, partially replace the wages you lose while you are recovering, and help you return to work. For additional information, visit www.dir.ca.gov/dwc/ or call 1-800-736-7401.

Who Can I Contact if I Believe My Rights Have Been Violated?

If you believe your rights have been violated, below is a list of UC and government agencies where you can seek assistance:

UC Resources

Employees who believe they have been subjected to discrimination or retaliation or that any of their rights under this notice have been violated can submit complaints through their local Human Resources office, Academic Personnel Office, Labor Relations office, or the University Whistleblower Hotline (<https://universityofcalifornia.edu/hotline> or 800-403-4744).

Harassment or discrimination under the

University's [Anti-Discrimination Policy](#) may be reported through the Systemwide Office of Civil Rights' [File a Report form](#). For additional information, please contact your location's [Local Implementation Officer](#) or [Title VI or Title VII Officer](#).

California State Resources

California Labor Commissioner's Office (LCO)

Information: (833) LCO-INFO (833-526-4636)
Immigration helpline: (855) 526-7775

www.dir.ca.gov/dlse/

California Division of Occupational Safety and Health (Cal/OSHA)

(833) 579-0927

<https://www.dir.ca.gov/dosh/>

California Division of Workers Compensation (DWC)

(800) 736-7401

dir.ca.gov/dwc/

Other California Agencies

California Attorney General (AG)

(800) 952-5225

www.oag.ca.gov

California Civil Rights Department (CRD)

(800) 884-1684

calcivilrights.ca.gov/

California Agricultural Employees

Agricultural Labor Relations Board (ALRB)

(800) 449-3699

www.alrb.ca.gov

*California Public Sector Employees and
Transportation Network Company Drivers*

Public Employment Relations Board (PERB)

(916) 322-3198

perb.ca.gov

Federal Agencies

Private Sector Employees

National Labor Relations Board (NLRB)

(844) 762-6572

www.nlr.gov

Federal Employees

U.S. Federal Labor Relations Authority (FLRA)

(771) 444-5801

<https://www.flra.gov/>

Railway and Airline Employees

National Mediation Board (NMB)

(202) 692-5000

https://nmb.gov/NMB_Application/

Non-Governmental Agencies

You may also contact a nonprofit legal or community-based organization for assistance. For a list of organizations that partner with state agencies to help workers to understand their rights visit www.dir.ca.gov/dlse/Nonprofit-Legal-and-Community-Based-Organizations-Serving-Workers.html.