



# Retaliation Is Illegal

## Best Practices to Protect Yourself from Retaliation

- Understand and comply with the employer's policies and procedures (unless you believe that would violate a law or cause a real and apparent hazard).
- Clearly communicate and document protected activity.
- Document threats: who, date, time, what was said.
- Confirm communication with employer via text message and save a copy of the text.
- Witnesses: Identify people who heard or saw relevant communications.
- Report your experience to co-workers who are credible and would testify.
- Review your situation with an advocate.
- File a timely claim.

## KNOW YOUR RIGHTS

**Workers have a right to the following COVID-19 related protections and cannot be retaliated against for using them:**

### ◆ Health and Safety

The labor code protects employees from retaliation who raise questions and concerns related to:

- ⇒ Exposure to coronavirus in the workplace.
- ⇒ Personal protective equipment.
- ⇒ Employer policies related to reopening requirements.

### ◆ Paid Sick Leave

Paid sick leave hours accumulate from the employee's first day of work, at a rate of 1 hour for every 30 hours worked. Employees can use hours after 90 days.

- ⇒ Employee is entitled to a minimum of 24 hours (3 days) of sick leave a year.
- ⇒ Sick leave can be used for self-quarantine as a result of potential exposure to COVID-19.
- ⇒ Employer cannot require an employee to use paid sick leave.

### ◆ Supplemental Paid Sick Leave in Food Sector

The governor passed an executive order to provide up to 80 hours of supplemental paid sick leave for food sector workers for circumstances related to COVID-19. You may qualify if:

- ⇒ You work for a hiring entity that has 500 or more employees nationwide, and
- ⇒ You are unable to work due to a quarantine or isolation order, advice of a medical provider, or if your hiring entity requires it.

### ◆ Unfair Immigration-Related Practices

Employers are prohibited from unfair immigration-related practices in retaliation for workers exercising certain rights.

Unfair immigration-related practices include:

- ⇒ Requesting more or different documents than required by federal law.
- ⇒ Refusing to honor documents that appear genuine.
- ⇒ Using E-Verify at time or manner not required by

federal law.

- ⇒ Threatening to file or filing a false police report or false report with any state/federal agency.
- ⇒ Threatening to contact or contacting immigration authorities.

### **Retaliation is Illegal**

Employers cannot punish or fire workers for:

- ⇒ **Speaking up** about wages or leave that is owed to them.
- ⇒ **Reporting** an injury or a health and safety hazard.
- ⇒ **Filing** a claim or complaint with a government agency.

If an employer does engage in retaliation, they can be required to reinstate fired employees, pay employees' lost wages, and pay fines up to \$10,000 per worker.

For some retaliatory actions, a court may suspend all licenses held by the violator for up to 14 days for the first violation, 30 days for a second violation, and 90 days for a third violation.

### California Labor Commissioner's Office:

**Phone:** (844) 522-6734

**Email:** LCO-COVID-19@dir.ca.gov

**Websites:** dir.ca.gov and COVID19.ca.gov

**Offices:** dir.ca.gov/dlse/DistrictOffices.htm

California labor laws protect all workers, regardless of immigration status. The Labor Commissioner's Office will not ask about your immigration status or report your immigration status to other government agencies.