

WORKER JUSTICE WISCONSIN

THE RIGHT TO ORGANIZE

“Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment.” (National Labor Relations Act)

If two or more employees discuss or take collective action to improve wages, hours, working conditions, or benefits, they cannot be retaliated against by their employer. Their legal status—citizen, immigrant, or undocumented—does not matter. All workers enjoy this protection.

THE RIGHT TO A DISCRIMINATION-FREE WORKPLACE

Nationally, the following are protected categories for which you cannot be fired or treated differently by your employer: **Sex, race, religion, age (40 & over), national origin, color, disability, genetic identity**

In Wisconsin, the following are protected categories for which you cannot be fired or treated differently by your employer: **Arrest record, conviction record, being a student, ancestry, sexual orientation, military service membership, victim of sexual assault, marital status**

In the city of Madison, the following are protected categories for which you cannot be fired or treated differently by your employer: **Less than honorable discharge from the military, source of income, gender identity, physical appearance, political beliefs, refusal to disclose social security number, domestic partners, citizenship status, credit history, homelessness, unemployment, non-religion**

To file a discrimination-based complaint with the city of Madison, the state of Wisconsin, or the Federal Government’s Equal Employment Opportunity Commission, it must be within 300 days of the incident unless the discriminatory act is ongoing.

THE RIGHT TO AGREED UPON PAY IN A TIMELY MANNER

There are 21 recognized forms of wage theft:

- Simply not paid for hours worked
- Paid with a check that bounces (NSF)
- Paid below Federal Minimum Wage
- Not paid promised wages/rates/etc.
- Not paid overtime hours worked
- Overtime hours averaged out over 2 weeks
- Time clock rounding
- Illegal deductions from your paycheck
- Vacation hours not paid (if there’s a contract)
- Not paid for mileage
- Not receiving all tips
- Donning and doffing
- Deduction of time for a break that is less than 30 minutes
- Misclassification
- Payroll debit cards
- Paid with goods instead of money
- In a Worker’s Compensation claim, your employer reports your hours incorrectly.
- Overnight stay
- Wage reduced, without notice, for work already done
- Wage reduced for more than your final paycheck when you fail to give two weeks notice (if there’s a contract)
- Gender pay gap

To file a complaint against your employer for wage theft, there is a two-year statute of limitation on wage theft complaints. In other words, you must file within two years of the date of your employer’s wage violation.

THE RIGHT TO A SAFE WORKPLACE

Employees have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe conditions.
- You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with your employer or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Post OSHA citations at or near the place of the alleged violations.

WORKER JUSTICE WISCONSIN

For any workplace-related assistance:

Contact Worker Justice Wisconsin

info@workerjustice.org

workerjustice.org

608-255-0376

1602 S. Park St. #115, Madison, WI 53715



To file a complaint against your employer for retaliation against workplace organizing:

Contact the National Labor Relations Board – Milwaukee office

Call 414-297-3861 (they have staff who speak Spanish)

To file a complaint against your employer for discriminatory behavior:

With the City of Madison's Office of Civil Rights

<https://discrimination.cityofmadison.com/Home/ComplaintView>

(608) 266-4910

With the State of Wisconsin's Office of Workforce Development – Equal Rights Division

<https://dwd.wisconsin.gov/er/tech/onlinecomplaint.htm>

(608) 266-3131

To file a complaint against your employer for wage theft:

With the State of Wisconsin's Office of Workforce Development – Equal Rights Division

<https://dwd.wisconsin.gov/er/tech/onlinecomplaint.htm>

(608) 266-3131

To file a complaint against your employer for unsafe working conditions:

Contact the Occupational Safety and Health Administration (OSHA)

<https://www.osha.gov/workers/file-complaint>

(608) 733-2822