

10 Federal Rights Every U.S. Employee Should Know

*Laws can change and be updated frequently. Please confirm you have updated information or consult with Student Legal Services before acting on this information. This document was last updated December 18, 2020.

Compensation

THE RIGHT TO FAIR WAGES

The Fair Labor Standards Act (FLSA) ensures that American workers receive a minimum wage for their work. Nationally, the minimum wage is 7.25 an hour. In Colorado, it is 12.32 an hour.

THE RIGHT TO OVERTIME PAY

The Fair Labor Standards Act also requires that non-exempt employees (employees who track their hours) must be compensated whenever they work, including overtime (more than 40 hours per week). Overtime pay or compensation should always equate to time and a half. Note: overtime pay does NOT apply to exempt employees (employees who do not track their hours)

Safety

FREEDOM FROM HARASSMENT

Under Title VII of the Civil Rights Act, employees are protected from 2 types of harassment: quid pro quo (offering benefits in exchange for sexual or romantic acts, such as a promotion or work opportunity) and hostile work environments (harassment that interferes with your ability to do your job or creates an intimidating environment). Note: to constitute a hostile work environment, the harassment must be severe, persistent, or pervasive.

THE RIGHT TO DECENT AND SAFE WORKING CONDITIONS

The Occupational Safety and Health Act ensures that there should never be major health or safety hazards to employees at work (including exposure to hazardous chemicals or use of dangerous equipment). The Occupational Safety and Health Administration (OSHA) has the primary responsibility for enforcing this law.

Equality

WAGE EQUALITY FOR SIMILAR WORK

The Lilly Ledbetter Fair Pay Act of 2009 prohibits wage discrimination against women and minorities. Note: Equal wages must only be offered to employees who execute similar job tasks with an equal skillset requirement, in a similar environment.

FREEDOM FROM DISCRIMINATION

Under national law, you are protected from discrimination based on race, religion, sex, gender (including gender identity, transgender status and sexual orientation), pregnancy, national origin (though employers may ask about U.S. work authorization), age (40 or older), disability, and genetic information. This includes hiring and firing laws but also wages and promotions and is covered by a number of laws including Title VII of the Civil Rights Act of 1964 and ADEA (Age Discrimination in Employment Act). Under the Americans with Disabilities Act (ADA), people with disabilities are also entitled to reasonable accommodations.

Voice

Voice

THE RIGHT TO JOIN A UNION

All employees have a right to either join or support a union to assist in the negotiation of various employment contracts with the employer, unless they sign away this right in their job contract. An employer cannot intimidate you nor interfere with your decision to join a union.

THE RIGHT TO FILE A COMPLAINT OR LAWSUIT WITHOUT RETALIATION

These are sometimes called “whistleblower rights.” It means that if you file a complaint or lawsuit against your employer, they cannot treat you any differently because of it (for example, they cannot fire, demote, or withhold opportunities from you). OSHA oversees whistleblower protections.

Benefits

Benefits

THE RIGHT TO FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act (FMLA) affords employees who meet certain criteria up to 12 weeks of unpaid leave per year if they decide to stay home in the wake of their child’s birth or adoption or in cases of serious personal or family member illness. Note: to be eligible, you must have worked for a year or at least 1,250 hours for the same employer (note: this only applies to employers with more than 50 employees).

THE RIGHT TO UNEMPLOYMENT BENEFITS

If you are unemployed for reasons outside of your control (i.e. being fired or laid off), and meet other state requirements, you are eligible to receive unemployment benefits for up to 26 weeks after termination (though payments are sometimes extended during periods of economic turmoil). While unemployment agencies are managed by individual states, unemployment benefits are overseen by a federal-state program.

*Many of these rights (excluding harassment and discrimination) only apply to businesses and organizations with 15 or more employees

*If you are working for a company as an “independent contractor” or an unpaid intern rather than an employee, you are not ensured the same rights and protections as employees

What to do if your rights are being violated:

Your options for responding to rights violations at work will depend on WHICH right or rights are being violated. If your employer has an HR department, that is usually a good place to start. You can also contact your direct supervisor, or the federal agencies which oversee employee rights and protections, such as the EEOC (Equal Employment Opportunity Commission) or OSHA (Occupational Safety and Health Administration).