Essential Workers
Essential Protections
Who we are
Protecting Your Rights to Pay and Leave
Enforcing Workplace Protections

• 10 million establishments nationwide and 148 million workers covered.

• More than 200 WHD offices throughout the country.

• More than 200 languages spoken.
Enforcement Regardless of Immigration Status

• Labor laws cover all workers, regardless of immigration status

• Protections apply regardless of immigration status

• WHD does not ask workers about their immigration status
Regional Outreach Events

• Planning more than 100 local outreach events

• Keep an eye out for more information about these events, including registration links
Ensuring Fair Pay

1.3 Million+
workers helped by WHD in the past five years. That's more than the entire populations of Las Vegas, NV, Orlando, FL, and Cincinnati, OH, COMBINED.

$1.4 Billion+
in back wages recovered by WHD in the last five years.
Wage and Hour Division

What we do
Achieving Compliance

• Investigations
• Outreach to workers
• Education for employers
• Partnerships
Agency-Initiated Enforcement

- National and regional strategic enforcement initiatives focus on industries that employ essential workers
Education promotes compliance

- Education and outreach for workers to understand and exercise their rights
- Education and outreach for employers to increased compliance
Increasing Our Impact

- Collaborations and consultations
- Communities of Color
- Community-based organizations
- Worker Centers
- Unions
- Business associations
- Federal and state agencies
- Worker rights organizations
- Foreign consulates
Wage and Hour Division

We serve workers and employers
Essential Workers

- Agriculture
- Health Care
- Grocery
- Delivery Services
- First Responders
- Public Transportation
- Restaurant
- Construction
- Guards
- Hotel Workers
- Landscaping
- Janitorial Services
Risks for **Essential Workers**

- Low wages
- Work “off the clock”
- At-risk employment relationships (including misclassification)
- Increased exposure to a variety of workplace risks and hazards
- Denial of qualified leave
Essential Protections

- Payment of minimum wages and overtime
- Youth employment standards
- Job protections for time taken for the birth of a child or caring for sick family members
- Housing and transportation standards for farm workers
- Payment of prevailing wage rates for federally funded construction and service contract work
- Standards for hiring and paying workers temporarily in the U.S under H-2A, H-1B and H-2B visas
Essential Protections
For Agricultural Workers
Agricultural Workers

Essential protections:

• Disclosure of wages, safe transportation and housing, field sanitation requirements, and protection for H-2A non-immigrant workers.
• Toilets, potable drinking water, and hand-washing facilities to hand-laborers in the field.
• Payment of a required wage and minimum guaranteed hours for H-2A workers.
• Protections apply regardless of immigration status.
Question:

I live with other agricultural workers in employer-provided housing and I am worried about the spread of COVID-19. Are there rules about overcrowding?
Question:

I live with other agricultural workers in employer-provided housing and I am worried about the spread of COVID-19. Are there rules about ventilation?
Question: I live with other agricultural workers in employer-provided housing and several workers have tested positive for COVID-19. What rights do I have?
Question:

I was concerned about the housing conditions at the farm where I worked. When I complained, I was fired. What can I do?
Question:

Are agricultural workers eligible for paid sick leave under the Families First Coronavirus Response Act (FFCRA)?
Question:

Is the Wage and Hour Division conducting investigations in agriculture during the pandemic?
Question:

I am an H-2A worker. In order to travel to the United States for the H-2A job, I had to obtain a negative COVID-19 test at my own expense. Does my employer have to reimburse me for the cost of the test?
Question:
An H-2A employer refuses to hire any U.S. applicants unless they can provide test results indicating that they are currently negative for COVID-19. However, the employer does not require the same test results for H-2A workers. Is this allowed?
Question:

I worked for an agricultural employer that also employs workers under an H-2A contract. When business slowed down due to COVID-19, the employer laid off the U.S. workers, but continued to employ the H-2A workers. Is this allowed?
Question:
I work for an agricultural employer under an H-2A contract. The business shut down because of COVID-19. What rights do I have?
Question:

I am an agricultural worker. If my employer moves me to a new housing site because of COVID-19, does the new site have to meet all of the same safety and health standards?
Question:
I am an agricultural worker. During the season, my employer obtained additional vehicles to accommodate social distancing while transporting workers. Do these additional vehicles need to meet the same safety standards?
Question:
I am an agricultural worker. I am concerned about the spread of COVID-19 while being transported with other workers. Are there any requirements related to vehicle windows?
Question:

I drive agricultural workers as part of my job, but I have not been able to get an appointment to renew my driver’s license because of COVID-19. Can I continue to transport workers?
Question:

I am an agricultural worker. Before starting the job, as part of my work contract my employer told me that masks would be provided to all employees and that social distancing rules would be in place at the worksite. When I started work, however, the employer did not keep these promises. What are my rights?
Question:

I am an agricultural worker. My employer provides water while my crew is working in the fields, but workers have to drink directly from the same spigot or container. I am concerned about the risk of spreading COVID-19. What are my rights?
Question:

I am an agricultural worker. My employer provides portable bathrooms in the fields. I am worried about the spread of COVID-19. Are there any rules about ventilation?
Question:

I am an agricultural worker. My employer does not have handwashing facilities in the fields, but does provide hand sanitizer or wipes. Is this allowed?
Tax Credits for Paid Sick Leave

• American Rescue Plan extended tax credits for employers through September 30, 2021
• Up to $12,000 per worker
• Visit IRS.gov for more information
Wage and Hour Division

How we can help
How to File a Complaint

• Complaints can be submitted by phone.
• Complaints can come from third parties.
• Complaints are confidential.
• WHD does not ask workers about their immigration status.
• No fee to file a complaint.
Who May File a Complaint?

• Employees – Former and Present
• Parent/Guardian
• School Officials
• Other Employers
• Advocacy Groups
• Other Agencies
Complaint Intake Information

Employee’s name
• Contact information
• Address and phone number
• Employee’s duties/work
• Circumstances or actions that caused potential violation of the law
• Copies of pay stubs or personal hours worked records if available

Employer’s name
• Point of contact
• Address and phone number

This information is not required, but helps develop the case
Online Resources

- Workers owed back wages may be difficult to locate
- WHD searches for these workers
- “Workers Owed Wages” provides online access for workers and advocates to search our database

www.dol.gov/wow
Online Resources

- Worker.gov
- Employer.gov
Online Resources

Elaws Advisors

• Coverage and employment status advisor
• Overtime calculator
• Overtime security advisor
• Hours worked advisor

dol.gov/elaws
Contact Us

• Visit www.dol.gov/agencies/whd

• Call our toll-free information and helpline at 1-866-4US-WAGE (1-866-487-9243)
Disclaimer

This presentation is intended as general information only and does not carry the force of legal opinion.

The Department of Labor is providing this information as a public service. This information and related materials are presented to give the public access to information on Department of Labor programs. You should be aware that, while we try to keep the information timely and accurate, there will often be a delay between official publications of the materials and the modification of these pages. Therefore, we make no express or implied guarantees. The Federal Register and the Code of Federal Regulations remain the official source for regulatory information published by the Department of Labor. We will make every effort to keep this information current and to correct errors brought to our attention.