



Essential **Workers** Essential **Protections**



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

dol.gov/agencies/whd
1-866-487-9243

Wage and Hour Division



Who we are



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Protecting Your Rights to Pay and Leave



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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.



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Enforcement Regardless of Immigration Status

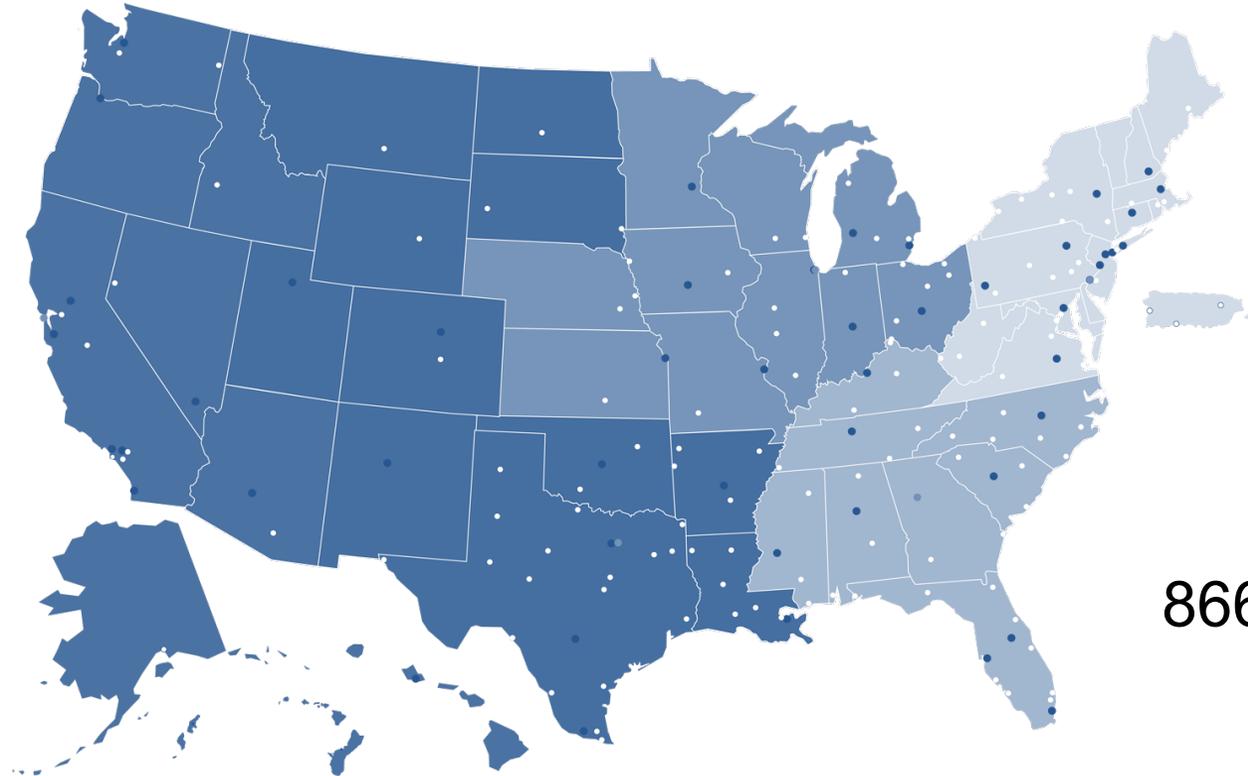
- Labor laws cover all workers, regardless of immigration status
- Protections apply regardless of immigration status
- WHD does not ask workers about their immigration status



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Helping Workers Throughout the Country



866-4US-WAGE



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Regional Outreach Events

- Planning more than 100 local outreach events
- Keep an eye out for more information about these events, including registration links



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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.



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What we do



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Achieving Compliance

- Investigations
- Outreach to workers
- Education for employers
- Partnerships



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Agency-Initiated Enforcement

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



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Education promotes compliance



- Education and outreach for workers to understand and exercise their rights
- Education and outreach for employers to increase compliance



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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



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We **serve** workers
and employers



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Essential Workers

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



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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



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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



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Essential Protections For Agricultural Workers



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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.



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Common Questions

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?*



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Common Questions

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?*



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Common Questions

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?*



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Common Questions

Question:

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



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Common Questions

Question:

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



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Common Questions

Question:

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



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Common Questions

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?



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Common Questions

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?



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Common Questions

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?



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Common Questions

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?



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Common Questions

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?



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Common Questions

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?



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Common Questions

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?



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Common Questions

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?



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Common Questions

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?



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Common Questions

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?



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Common Questions

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?



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Common Questions

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?



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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](https://www.irs.gov) for more information



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Families First Coronavirus Response Act

- Provided paid leave for COVID-19 related reasons.
- Applied to leave taken between April 1, 2020 and December 31, 2020.
- If an employer failed to pay a worker as required, worker may still file a complaint for up to two years.



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How we can **help**



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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.



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Who May File a Complaint?

- Employees – Former and Present
- Parent/Guardian
- School Officials
- Other Employers
- Advocacy Groups
- Other Agencies



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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



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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

Wage and Hour Division (WHD) [En Español](#)



WORKERS OWED WAGES

The Wage and Hour Division (WHD) enforces some of our nation's most comprehensive labor laws. When we find violations, we often recover unpaid wages on behalf of employees. The agency makes every effort to locate and notify all employees due back wages. If we cannot find an employee, we hold their back wages for three years while we continue our efforts to locate them. After three years, if we remain unable to find the person, we are required to send the money to the U.S. Treasury.

If you think you may be owed back wages collected by WHD, you can search our database of workers for whom we have money waiting to be claimed. If you find that you are due money, you can submit a claim. Begin by entering the employer's name, then click “WOW Search”.

Search Employer by Name: [WOW Search](#)

www.dol.gov/wow



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Online Resources



COMPLIANCE ASSISTANCE RESOURCES

[Español](#)

[Your rights](#) ▾

[Workplace concerns](#)

[About](#)

Worker Protections

You have rights. This site covers common workplace concerns and the Federal labor laws that protect you.



[Learn about your rights](#)

- [Worker.gov](#)
- [Employer.gov](#)



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Online Resources

Elaws Advisors

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

dol.gov/elaws



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Contact Us

- Visit www.dol.gov/agencies/whd
- Call our toll-free information and helpline at **1-866-4US-WAGE (1-866-487-9243)**



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