



CONNECTICUT STATE
DEPARTMENT OF EDUCATION

CONNECTICUT STATE DEPARTMENT OF EDUCATION

Workplace Rights and Safety

Adult Education Summer Institute
August 11, 2021

Which Workers are Vulnerable?

Workers in the restaurant and hospitality, health care, and janitorial/cleaning services industries are among the most likely to be victims of unpaid wage and overtime pay violations.



Protecting Workers' Rights

- Workplace rights and safety are often misunderstood by those who are new to this country or do not speak English well
- Employers sometimes take advantage of undocumented status
- Connecticut is experiencing an uptick in wage and hour violations



Workers' Rights – The Basics

- All employees have a reasonable expectation of safety on the job.
- Employers must provide a safe and healthy workplace
- Employees who become aware of health and safety hazards have the right to file an anonymous complaint
- Employees who have not been fairly paid have the right to file a complaint – regardless of immigration status



Why is Workplace Health and Safety Important for ESL Students?

- Hispanic/Latino workers are at a greater risk for workplace illnesses, injuries, and fatalities.
- Only one-third of immigrant Hispanic workers received any job safety training and 55% had no workers' compensation coverage.
- There is a disproportionate burden of occupational deaths and injuries on the Hispanic workforce.



Why is Workplace Health and Safety Important for ESL Students?

Connecticut Data:

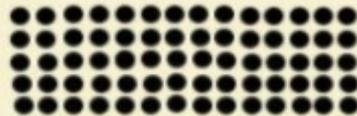
- The fatality rate for Hispanic workers is almost 3 times higher than for non-Hispanic workers even within job categories. This is similar to other states and national data.
- The risk to Hispanic workers is higher.
- A national study of construction occupations showed that Hispanic construction workers were twice as likely to be injured or killed than their non-Hispanic counterparts.



Why is Workplace Health and Safety Important for ESL Students?

Each year in Connecticut, for every...

100,000
Non-Hispanic
Workers



2 workers die on the job!



100,000
Hispanic Workers



7 workers die on the job!



CT Department of Public Health

Why is Workplace Health and Safety Important for ESL Students?

- A major risk factor for work-related fatalities for all workers is lack of health and safety training.
- On average 13 workers die every day in the US.
- 789 Hispanic or Latino workers were killed from work-related injuries in 2014.
- Two Latino workers are killed every single day of the year, all year long.

CT Department of Public Health



What rights do workers have?

- All employees have a reasonable expectation of safety on the job.
- Employers must provide a safe and healthy workplace
- Employees who become aware of health and safety hazards have the right to file an anonymous complaint
- Employees who have not been fairly paid have the right to file a complaint



Essential Protections for Agriculture Workers

- Disclosure of wages, safe transportation and housing, field sanitation requirements, and protection for H-2A non-immigrant workers.
- Toilets, potable drinking water, and handwashing 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.

U.S. DOL Wage and Hour Employment



Worker Pay

Connecticut minimum wage:

- \$13.00 beginning August 1, 2021;
- \$14.00 beginning July 1, 2022; and
- \$15.00 beginning June 1, 2023.
- Hotel and restaurant workers who customarily and regularly receive gratuities may be paid \$6.38 per hour.



Wage and Hour Violations

- Regularly paying workers for less hours than they actually work
- Failure to pay overtime
- Requiring the employee to perform tasks before or after clocking in and not paying for that time
- Not classifying an individual as an employee
- Improper tip pooling
- Failure to pay minimum wage



Federal and State Overtime Laws

The Federal Fair Labor Standards Act (“FLSA”) and the corresponding Connecticut Minimum Wage Act (“CMWA”) provide for the payment of overtime pay.

Overtime must be paid at a rate not less than one and one-half times the employees regular hourly rate after the employee works 40 hours in any given week.



Federal and State Overtime Laws

Employers try to avoid paying overtime by:

- classifying an employee as “exempt” from overtime;
- giving an employee a job title which is not reflective of the actual duties of the employee;
- having employees work “off the clock” before or after the start of their scheduled shift;
- paying employees “straight time” for overtime worked;
- forcing employees to “clock out” for breaks and meal periods, even if the employee did not use such time; or
- averaging the hours worked over a two week period.

U.S. DOL Wage and Hour Employment



Worker Remedies for Unfair Pay

- Federal law permits an employee to recover two years of overtime pay if the employer's actions were "willful".
- Connecticut law permits an employee to recover up to two years of overtime pay.
- Federal law allows for liquidated damages (doubling of the total recovery) unless the employer can demonstrate that it acted in good faith
- Connecticut law provides liquidated damages upon the employee's showing of willfulness.
- Willfulness requires proof that the employer acted recklessly, which is a standard higher than unreasonableness.
- Federal and Connecticut permit recovery of attorney's fees for a successful plaintiff.



Worker Remedies for Unfair Pay

- The law allows an employee to file a complaint and prohibits retaliation by the employer
- Both Federal and Connecticut law prohibit an employer from taking any adverse or retaliatory action against an employee who seeks to assert their rights under the law.
- In Connecticut, it is also unlawful for an employer to wrongfully discharge an employee for a reason that violates an important public policy.



U.S. DOL Wage and Hour Employment

Filing a Complaint - State

CT Wage and Hour Enforcement investigate claims of unfair wage practice.

They DO NOT investigate wrongful termination, employment discrimination, un-employment matter, business expenses, and tax issues.

Employees who believe they have been unfairly paid may file complaints with CTDOL:

<https://www.ctdol.state.ct.us/wgwkstnd/forms-wwsInstruct.htm>



Filing a Complaint - Federal

- 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.

866-4US-WAGE



U.S. DOL Wage and Hour Employment

CONNECTICUT STATE DEPARTMENT OF EDUCATION

Who Can File - Federal

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

U.S. Department of Labor
Wage and Hour

www.dol.gov/whd

Hartford: (866)-487-9243



U.S. DOL Wage and Hour Employment

CONNECTICUT STATE DEPARTMENT OF EDUCATION

Federal Workers' Rights

Federal law entitles employees to a safe workplace.

Employers must keep the workplace free of known health and safety hazards.

Workers have the right to speak up about hazards **without fear of retaliation**.

Workers also have the right to:

- Receive workplace safety and health training in a language they understand
- Work on/with safe equipment/machines
- Be protected from toxic chemicals



Federal Workers' Rights

Workers' rights cont'd:

- Receive required safety equipment, such as gloves or a harness and lifeline for falls
- Request an OSHA inspection, and speak to the inspector
- Report an injury or illness, and get copies of your medical records
- Review records of work-related injuries and illnesses
- See results of tests taken to find workplace hazards

U.S. DOL Wage and Hour Employment



Workers Owed Wages

<https://www.youtube.com/watch?v=2OpkoIGey1o>



Workers' Rights – Career Pathways Taskforce Toolkit

<https://sites.google.com/danbury.k12.ct.us/career-pathways-toolkit/resources/workers-rights?authuser=0>



Workers' Rights and Safety: Workers' Memorial Day

On May 1st, we celebrate Workers' Memorial Day in honor of those who died as a result of workplace disasters.



Workers' Rights and Safety: Learning from History

<https://connecticuthistory.org/the-collapse-of-the-lambiance-plaza/>

<https://skyrisecities.com/news/2017/04/tragedy-sparked-decline-lift-slab-construction>

<https://www.aetypic.com/post/the-champlain-towers-and-other-building-collapses-in-the-us>



Workers' Rights – U.S. DOL

U.S. DOL Wage and Hour

<https://www.dol.gov/agencies/whd/workers>

Essential Worker Handout:

https://www.dol.gov/sites/dolgov/files/WHD/ewep/EWEP_Initiative.pdf



Workers' Rights - OSHA



If you **work** through a **staffing agency...**

No one should have to be injured or killed for a paycheck.

If you think your job is unsafe and you have questions, call OSHA.

OSHA

OSHA <https://www.osha.gov/workers>



What is OSHA?

- With the [Occupational Safety and Health Act of 1970](#), Congress created the [Occupational Safety and Health Administration \(OSHA\)](#) to ensure safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance.
- OSHA is part of the [United States Department of Labor](#).
- OSHA regulates worker safety and health in the workplace.
- Workplace safety violation or complaints should be reported to OSHA



When is OSHA Involved?

- When someone gets hurt or is working in a hazardous occupation.
- A parent or school employee can file a complaint on a minor's behalf.
- The worker must be CURRENTLY EMPLOYED at the workplace and have first-hand information of the conditions he/she is reporting.
- Fired workers cannot file complaints

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



OSHA - Keeping Workers Safe

<https://www.youtube.com/watch?v=p7Y2h2c2XDg>



OSHA Heat Safety

https://www.osha.gov/sites/default/files/publications/3431_wksite_poster_en.pdf

OSHA's streamlined [Help for Employers webpage](#) makes it easier to find information on safety responsibilities and compliance assistance.

A new [heat safety poster](#) emphasizes the importance of allowing workers to gradually build up a tolerance to higher temperatures.

Prevent Heat Illness at Work
Outdoor and indoor heat exposure can be dangerous.

Ways to Protect Yourself and Others

Nearly 3 out of 4 fatalities from heat illness happen during the first week of work.

- Ease into Work**
 - ✓ New and returning workers need to build tolerance to heat (acclimatize) and take frequent breaks.
 - ✓ Follow the 20% Rule. On the first day, work no more than 20% of the shift's duration at full intensity in the heat. Increase the duration of time at full intensity by no more than 20% a day until workers are used to working in the heat.
- Drink Cool Water**
Drink cool water even if you are not thirsty – at least 1 cup every 20 minutes.
- Take Rest Breaks**
Take enough time to recover from heat given the temperature, humidity, and conditions.
- Find Shade or a Cool Area**
Take breaks in a designated shady or cool location.
- Dress for the Heat**
Wear a hat and light-colored, loose-fitting, and breathable clothing if possible.
- Watch Out for Each Other**
Monitor yourself and others for signs of heat illness.
- If Wearing a Face Covering**
Change your face covering if it gets wet or soiled. Verbally check on others frequently.

Contact Information

CT Department of Labor
(860) 263-6000

OSHA:

Bridgeport Office

(203) 579-5581

Hartford Area Office

(860) 240-3152

New Haven Office:

(203) 773-2249

CT Department of Public
Health
Hartford

(860) 509-7771

U.S. Department of Labor
Wage and Hour

www.dol.gov/whd

Hartford: (866)-487-9243