

## HOW TO PROTECT YOURSELF WHEN FILING A COMPLAINT AGAINST YOUR BOSS

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If you are an undocumented person (you don't have legal papers to work or be in the U.S.), you already know about risks—from when you entered this country, to the daily risks you face just by living and working here.



You may be having problems at work but think that you cannot do anything about them. You might not be getting paid on time or getting paid at all, or you are being treated badly because you are different. Maybe you are working in dangerous conditions, causing you to have trouble breathing at work, or perhaps you feel your work is unsafe. It is hard for *anyone* to stand up for their rights and do something about problems against their bosses. It can be even harder for

undocumented workers, who already feel vulnerable and may have been told that they do not have any rights in the United States.

If you are a worker who has been treated badly or unfairly, no matter what your immigration status is, you have the right to complain. You can complain to your boss, someone else at work (like your floor manager or someone in your human resources department), your union representative, or a judge or special office that handles worker complaints.

The reality, however, is that if you are an immigrant, especially if you are undocumented, you are at greater risk of *retaliation*, which means that your boss might do something to punish you for filing a complaint. A bad boss may try to *ask for work papers again* if a worker complains about bad treatment. Some even *call immigration to report* undocumented workers who have complained about their bad work conditions.

Even though these are the risks you might face for complaining about your unfair working conditions, *there are ways you can protect yourself*. The two most important things to remember are:

**Acting in a group is always better.  
Don't reveal your immigration status.**

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*Here's some specific ways you can protect yourself when making or filing a complaint about your bad working conditions to your boss:*



✦ **Look for help from a community group**, one that helps workers or immigrants. This group could be a legal aid office, a workers' rights clinic, a group that works with people from your home country, or a church, temple, or religious organization that you trust or have heard good things about.

✦ **Think about the kind of boss you have.** Has your boss threatened you or other worker in the past? Do you know about other workers who have been fired, disciplined, or treated differently in a bad way after they have complained about bad things at work?

✦ **If you have a union, talk to your union representative.** Your union has the responsibility to help all workers, both citizens and immigrants. Tell your representative about your problems with your boss, and tell your representative that you would like to file a grievance or that you want to talk to your boss. Ask the representative if the union can help you. Your union might be able to help find a lawyer for you. If your employer calls you to a meeting that might result in you being disciplined, you have the right to bring your union representative or another co-worker with you to talk to your boss.

✦ **Don't reveal your immigration status or show any immigration papers to your boss.** If your boss asks for these things, he or she is probably retaliating against you for making a complaint. Don't say or show anything to your boss. While you look for some help, you can tell him or her that you don't have any documents with you at that time. You should tell your union representative, a community group, or a lawyer (if you have one) what your boss did. It is very important for you to seek assistance right away.

✦ **Sometimes it is better to file a complaint against a former employer, instead of your current employer.** Finding a job is hard, and so this may not be possible. But if you can get a new job, you might want to wait until you leave before filing a complaint so that it is harder for your boss to do anything against you. Remember to not give your new job information to your current boss. It is best if your old employer does not know how to contact you.

✦ **Don't reveal your immigration status in front of a judge or government agency.** If you decide to file a complaint, you may need to go in front of a judge or an officer who is in charge of your case. Do not tell them your immigration status or where you were born. The only person who should know your immigration status is your lawyer, and your lawyer should not reveal your immigration status either.

✦ **Remember: there is strength in numbers.** If your boss is violating your rights as a worker, it is very likely that you are not alone. It is always best for you and at least one other co-worker (preferably a group of you) to come together to complain. That way you can support each other.