Worker Justice Center of New York

Dignity for every worker!

YOUR GUIDE TO

AGRICULTURAL WORKERS' RIGHTS

IN NEW YORK

CALL US TOLL FREE

1-800-724-7020

VERSION: AUGUST 2026

ABOUT THE WORKER JUSTICE CENTER OF NEW YORK

The Worker Justice Center of New York is a non-profit organization that provides free and confidential legal assistance and community legal education services to workers in New York State, regardless of immigration status.

Our mission is to pursue justice for those denied human rights with a focus on agricultural and other low-wage workers, through legal representation, community empowerment, and advocacy for institutional change.

This booklet includes general information about your legal rights as an agricultural worker in New York State, regardless of your immigration status. However, the information in this booklet is NOT comprehensive and should NOT be considered legal advice.

If you would like to learn more about your rights or obtain legal advice about a specific situation, please contact our office. Any conversation that you have with our office is private and protected by law. No legal action will be taken on your behalf unless and until YOU decide to pursue the matter.

Labor laws protect all workers, regardless of immigration status!

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YOUR PAY

MINIMUM WAGE

- In New York State, workers must be paid at least $16.00 per hour, even if you are paid by piece rate.
- Workers in New York City, Westchester County, and Long Island must be paid a minimum of $17.00 per hour.
- If you are paid by piece rate (ex: by the bin) and at the end of the week your hourly pay averages less than $16.00 (or the wage rate that applies to you in NYC, Westchester, or Long Island) your boss must raise your pay to at least $16.00/hour (or the wage rate that applies to you).
- Important! The minimum wage in New York State is subject to change year-to-year. Scan the QR code to learn the minimum wage as it applies to you.

$16.00

2026 NYS minimum wage anywhere outside of NYC, LI, and Westchester

- For most H-2A worker, your 2026 minimum wage rate is the same as the NYS minimum wage. See page 13 of this booklet for more information about recent changes to wage rates for H-2A workers.
- If you were promised more than $16.00 an hour, you must receive the pay you were promised.
- If you obtained your job through the interstate clearance system and are NOT an H-2A worker, you are entitled to receive the US Adverse Effect Wage Rate, which varies depending on the region where you are employed and the skill level required for your job. Contact us with questions!

OVERTIME PAY

Agricultural workers who work more than 52 hours within a single work week are entitled to receive overtime pay. Your overtime rate of pay is 1.5 times your regular hourly rate.

For example, if your regular hourly rate is $16.00 per hour and you work 60 hours within a single work week, you are entitled to be paid $16.00 per hour for the first 52 hours and $24.00 per hour for the eight hours of overtime you worked. In this case, your total weekly pay should be calculated in the following manner:

52 regular hours x $16.00 = $832
8 overtime hours x $24.00 = $192
Total gross pay = $1,024

You are also entitled to overtime pay if you choose to work on your day of rest, even if you do not exceed 52 total hours in a single work week.

52 hours

Current overtime threshold for agricultural workers

The pay rate for overtime hours is

1.5x

your regular pay rate.

If you are paid by the piece (ex: by the bin), at the end of the week your hourly pay must average at least the minimum wage rate for the first 52 hours plus an hourly rate that averages at least 1.5 times minimum wage for each hour you work over 52.

OVERTIME PAY

In 2026, the overtime threshold for agricultural workers decreased to 52 hours/week, and will decrease every two years thereafter until it reaches 40 hours/week in 2032.

Overtime Threshold Schedule

Current	52 hours
2028	48 hours
2030	44 hours
2032	40 hours

Important note! If your job duties include non-agricultural work, such as working retail at a farm stand or farmer's market, you may be entitled to overtime pay after 40 hours.

DAY OF REST

You are entitled to at least 24 consecutive hours of rest each work week, regardless of the total number of hours you worked that week.

Twenty-four hours spent at rest because of weather or other circumstances counts as a day of rest. Your boss is legally prohibited from forcing you to work on your day of rest. It is also illegal for your boss to retaliate against you for exercising your right to a day of rest.

If you choose to work on your day of rest, you must be paid at least 1.5 times your hourly rate for each hour you work, regardless of how many hours you worked during the work week.

PAY NOTICE

New York State law requires employers to give written notice of wage rates to each employee when you are hired. The pay notice should include the following information:

- Your rate or rates of pay, including the overtime rate of pay if it applies
- Whether you will be paid by the hour or piece rate
- Your regular payday
- The official name of your employer and any other names used for the business
- The address and phone number of the employer's main office or principal location
- Allowances taken as part of the minimum wage, such as lodging deductions

The notice should be given both in English and your primary language if your primary language is Spanish, Chinese, Haitian Creole, Korean, Polish or Russian.

Your employer must pay you at the rate specified in your notice of pay. If your employer changes your rate of pay, this change must also be provided in writing.

PAY STUBS

Your employer should provide you with a wage stub, or a pay slip each week when you receive your pay, regardless of how you are paid (check, cash, direct deposit, etc.). Your pay stub should include:

- The employer's name, address, and telephone number
- Your name
- Dates of pay period
- Regular rate of pay
- Total regular hours worked
- Overtime rate of pay if applicable
- Total overtime hours worked if applicable
- Piece rate if applicable
- Total pay
- All itemized deductions and allowances

Sample Pay Stub

Earnings	rate	hours	this period	year to date
Regular	16.00	40.00	640.00	22,200.00
Overtime	24.00	0.00	0.00	0.00
Bonus	--	--	0.00	0.00
	--	--	0.00	0.00
		--	0.00	0.00
Commission	--	--	0.00	0.00
	Gross Pay		$640.00	**22,200.00**

Deductions	Statutory		
	Federal Income Tax	-81.63	3,020.48
	Social Security Tax	-37.20	1,376.40
	Medicare Tax	-8.70	321.90
	State Income Tax	-34.65	1,282.19
	Other Tax	-0.00	0.00
	Other		
	401(k)	-0.00	0.00
	Medical	-0.00	0.00
	Garnish	-0.00	0.00
	Total Deductions	-162.18	-6,000.97
	Net Pay	$477.82	**16,199.03**

KEEPING RECORDS

Save your paystubs for 6 years. If you do not receive a pay stub or think your pay stubs do not accurately account for the hours you work, you should keep your own records of the hours you work. You can keep these records in a notebook, calendar, or on your phone.

Your record of hours worked might look like this:

Week of: 1/5/26 - 1/11/26

	Start	Break	End	Hours
Monday:	8am	1-2pm	8pm	11
Tuesday:	8am	1-2pm	8pm	11
Wednesday:	8am	1-2pm	8pm	11
Thursday:	8am	1-2pm	8pm	11
Friday:	8am	1-2pm	8pm	11
Saturday:	8am	NONE	2pm	6

Sunday: OFF

Total Hours: 61
Regular Hours: 52 x $16.00 = $832
Overtime Hours: 9 x $24.00 = $216
Total Wages: $1,048

If you have not been paid at the rate you were promised, or for all the hours you worked, then you are likely a victim of wage theft and you should call our office at 1-800-724-7020 for assistance.

EMPLOYER-PROVIDED HOUSING

VISITATION RIGHTS

Housing provided by your employer is your home. You have the right to have anyone visit you at your home. You do not have to get the permission of the employer or supervisor to have visitors, and they are not legally permitted to limit the access of visitors to your home.

Visitors can include friends, family, medical providers, service providers, lawyers, advocates, union organizers, or any other type of visitor you wish to invite into your home. You also have the right to refuse visitors access to your home. Your employer is legally prohibited from retaliating against you for having visitors. These rights exist regardless of whether you pay rent or not.

HOUSING COSTS

If you are a migrant or seasonal farmworker, your employer is prohibited from charging you for housing and utilities.

If you are not a migrant or seasonal farmworker (for instance, you work year-round), agricultural employers may deduct an "allowance" from the minimum wage rate for providing you with lodging and utilities. However, these housing allowances are limited to a small amount and should be clearly documented in your pay stub. If you are being charged by your employer for housing and you have questions, contact us.

ILLEGAL EVICTIONS

Your employer or supervisor is not allowed to evict you from your housing without a court order. Only a judge can order you to leave your housing.

This is true even if you have quit your job or your employer has fired you. You must be given adequate time to leave. In most cases, you must get at least 30 days' notice that you need to leave, and sometimes longer depending on how long you have lived there.

If your employer says you have only a short time to leave your housing, such as one week or 48 hours, do not leave before calling us or another legal services agency, unless you feel unsafe. It is much easier to stop an illegal eviction before it has actually happened.

It is a crime for an employer to try to get you to leave your housing by threatening to call the police or immigration; locking you out; turning off the heat, water, or electricity; removing the door; removing your belongings; threatening force or intimidating you; or using other forceful tactics.

The police are not allowed to help an employer evict you if there is no court order. In fact, they are obligated to help you return to your home.

It is unlawful for your employer to evict you in retaliation for exercising your legal rights in the workplace or related to your housing conditions.

If you have been evicted suddenly or unlawfully, call us, and we can talk through legal options.

If your employer or supervisor is trying to evict you from your housing without a court order, call us.

HOUSING CONDITIONS

Your housing must be safe and must meet all federal, state, and local standards. The application of these standards can vary depending on your specific circumstances.

In many situations, the owner or operator of farmworker housing facilities must get a permit from the Health Department, which must be posted on the premises. This is true if your work is seasonal, such as with fruits or vegetables, or if there is down time during part of the year.

Some situations that are clearly unlawful:

- Infestations of mice, rats, cockroaches or bed bugs
- Sewage in the yard or home
- No heat in the fall, winter, or early spring
- No hot water to bathe or cook, or little water
- No electricity
- No toilet or bathroom
- The water is too dirty to drink
- Workers or their families are forced to live in places like closets or barns
- Windows are broken or doors do not look
- There is mold
- The employer has placed cameras in the housing
- The structure is falling apart
- There are not enough beds
- There are pesticides used nearby
- Women have shared living areas with men
- There are no fire alarms

If you feel something is wrong with your housing, trust your gut and call us for advice. We can assess the situation and provide you with options.

H-2A WORKER PROTECTIONS

Contract

If you are an H-2A worker, you should receive a copy of your contract. It has information about the work you are doing, what you should be paid, and the conditions of your job. You should receive this information in a language you understand before or on your first day of work.

Pay

Your rate of pay should be written in your contract. This year, there are changes in the wage rates for H-2A workers nationwide. Wage rates for H-2A workers now vary depending on the skill level required for your position and also on the location of your worksite. It can be very complicated. See the chart below, and please call us if you have any questions about what you are being paid.

2026 H-2A Worker Wage Rates for New York		
Skill Level	NYC, Long Island, Westchester	All Other Regions of NY
1	$17.00	$16.00
2	$17.00	$16.70*

*Rate effective August 3rd, 2026.

If you are being paid a piece rate, your pay must average out to at least as much as the hour minimum. If it does not, your employer must pay the difference.

H-2A WORKER PROTECTIONS

Housing

All H-2A workers are entitled to free housing and free daily transportation to and from the work site. All H-2A housing must be inspected annually and meet minimum health and safety standards.

Transportation

You should be reimbursed for the travel costs to the farm from the place where you were recruited for the job within the first week after your arrival. You are entitled to be reimbursed for all visa costs, hotels, food and transportation. Your employer is obligated to pay for your transportation home. Always keep the receipts if you are not being reimbursed.

Illegal Recruitment Fees

It is illegal for recruiters to charge you a fee for finding you a job or obtaining a visa for you. If you were charged a recruitment fee, you may be entitled to recover those fees.

3/4 Guarantee

By the end of the contract, your employer must give 75% of the hours promised in the contract. If there is not enough work, the employer must pay you for at least 75% of the hours promised.

Your employer must pay you for at least

75%

of the hours promised in the contract.

Termination

If you are sent home early or fired without cause, your employer must still pay your transportation costs home and fulfill the ¾ guarantee.

DISCRIMINATION

Workplace discrimination is prohibited by law, which means you should not be treated unfairly in the workplace based on any of the protected categories listed below.

Examples of discriminatory treatment:

- Refusing to hire you
- Refusing to promote you
- Firing you
- Providing lesser or different working conditions or benefits to you
- Treating you differently in terms of job assignments, harassment, training, or layoffs
- Treating you differently than other employees in any other way

The prohibition on discrimination extends to all workplace benefits, including pay. Employees must be paid equally unless the employer is able to demonstrate that pay differences are justified by a legitimate non-discriminatory reason, such as years of experience or seniority in the workplace. All workers, however, must be paid at least the minimum wage.

Protected Categories

- Age
- Arrest Record
- Citizenship or Immigration Status
- Conviction Record
- Creed / Religion
- Disability
- Victim of Domestic Violence
- Familial Status
- Gender Identity or Expression
- Lawful Source of Income
- Marital Status
- Military Status
- National Origin
- Predisposing Genetic Characteristics
- Pregnancy-Related Condition
- Race/Color
- Sex
- Sexual Orientation
- Retaliation

Anti-discrimination laws protect all workers, regardless of their citizenship status or work eligibility.

SEXUAL HARASSMENT

Sexual Harassment is a form of illegal discrimination.You have a right to work in an environment free of sexual harassment.

Sexual harassment is any unwanted sexual conduct, including:

- Sexually suggestive comments
- Telephone calls or text messages that are sexual in nature
- Persistent or unwanted sexual attention
- Leering, whistling, or other sexually suggestive or insulting sounds or gestures
- Displayed pictures, calendars, cartoons, or other material with sexual content
- Coerced sexual activity

In New York, sexual harassment doesn't need to be severe or pervasive to be considered illegal. Additionally, all employers in New York State are required to establish a written sexual prevention policy and provide annual training to their employees. If you speak Spanish, Chinese, Korean, Polish, Russian, Haitian-Creole, Bengali, or Italian, the training should be provided in your language. Your employer should also share information with you about how to report sexual harassment in the workplace.

Anyone, regardless of your gender, can be a victim of sexual harassment. Call us for a consultation if you have experiences or are experiencing any type of workplace sexual harassment.

PREGNANT WORKERS

Pregnant workers are protected from discrimination. It is illegal for an employer to refuse to hire you, fire you, or refuse to promote you for becoming pregnant or because you may become pregnant. Your employer is prohibited from changing the terms, conditions, and privileges of employment because of pregnancy, childbirth, or related conditions.

New York law guarantees pregnant workers the right to reasonable accommodations, such as:

- Occasional breaks to rest or drink water
- A modified work schedule
- Leave for related medical needs
- Available light duty assignments
- Transfers away from hazardous duty

Your employer may not require you to take leave because you are pregnant. If you take medical leave due to a pregnancy-related condition or childbirth, your employer must hold your job for you just as they would for employees who take medical leave for other reasons.

BREASTFEEDING PARENTS

In New York nursing parents are guaranteed break time to express breast milk at work. For up to three years following childbirth, you have the right to take reasonable unpaid break time, or use paid break time or mealtime each day, to express breast milk at work. Your employer must make reasonable efforts to provide a room or another location, in close proximity to your work area, where you can express breast milk in private. Your employer may not discriminate against you based on your decision to express breast milk at work. It is illegal for your employer to treat you differently because you are breastfeeding.

PAID LEAVE

PAID PRENATAL LEAVE

As of January 1, 2025, pregnant workers in New York State are entitled to an additional 20 hours of paid time off per year to use for doctors' appointments, procedures, or other types of prenatal care. Workers are eligible for these benefits as soon as their employment begins and do not need to be accrued.

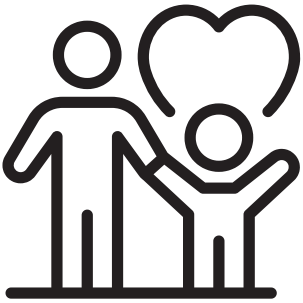
TEMPORARY DISABILITY INSURANCE

Employers in New York State are required to carry insurance that provides temporary cash benefits to employees who are unable to work due to off-the-job illnesses or injuries, as well as for pregnancy-related disabilities and while recovering from childbirth.

Under this program, workers receive 50% of their average weekly wage, up to a maximum of $170 per week. There is usually a 7-day waiting period before benefits can begin. Benefits can be paid for up to 26 weeks in a 52-week period.

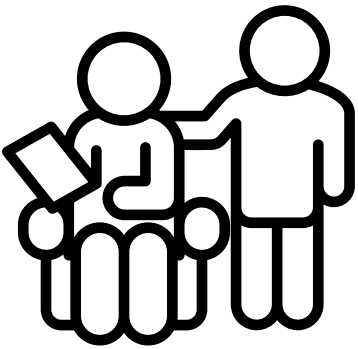
NEW YORK STATE PAID FAMILY LEAVE

NYS Paid Family Leave is job-protected paid leave for up to 12 weeks to bond with a new child, care for a seriously ill family member, or address certain military family needs. Paid Family Leave does not have to be taken consecutively.



Most employees who work in New York State for private employers are eligible for Paid Family Leave once meeting the minimum time-worked requirements. Full-time employees who work a regular schedule of 20 or more hours per week are eligible after 26 consecutive weeks of employment.

Part-time employees who work a regular schedule of less than 20 hours per week are eligible after working 175 days, which do not need to be consecutive. Employees with irregular schedules should look at their average schedule to determine if they work, on average, fewer than 20 hours per week.

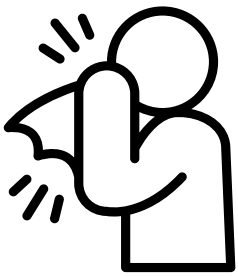


Citizenship and/or immigration status is not a factor in employee eligibility.

NEW YORK STATE SICK LEAVE

Private employers are required to provide sick leave to their employees. You can request sick leave verbally or in writing to your employer. You do not need to provide any documentation if your sick leave lasts less than three consecutive days but should make sure that you are using your sick time for a permitted purpose.

Sick time can be used for mental or physical illness, injury, or health conditions, including diagnosis, treatment, and preventive care, either for yourself or a family member you care for. It is unlawful for employers to retaliate against workers for taking sick leave.



Under this system, a worker earns 1 hour of sick time for every 30 hours you work. The amount of sick leave hours you can accrue, and whether or not that time must be paid, depends on the size of your employer:

- Employers with 100 or more employees must provide up to 56 hours of paid sick leave per calendar year.
- Employers with 5 to 99 employees must provide up to 40 hours of paid sick leave per calendar year.
- Employers with 4 or fewer employees and net income of greater than $1 million in the previous tax year are required to provide up to 40 hours of paid sick leave per calendar year.
- Employers with 4 or fewer employees and net income is $1 million or less in the previous tax year are required to provide up to 40 hours of unpaid sick leave per calendar year.

WORKPLACE HEALTH & SAFETY

Agricultural workers face many common hazards and are at increased risk for on-the-job injuries and deaths. If you have concerns about hazardous working conditions, contact us for help.

Common Hazards for Agricultural Workers

- **Infectious diseases, such as avian flu**
- **Grain bins and silos**
- **Dangerous equipment and machinery**
- **Exposure to extreme temperatures**
- **Falls from ladders**
- **Repetitive motion injuries**
- **High noise levels**
- **Exposure to pesticides and other chemicals**
- **Air contamination**
- **Tractors, skid steers and other vehicles**
- **Unsanitary conditions**

DRINKING WATER & ACCESS TO BATHROOMS

Under New York law, farmworkers should have access to:

- Cool, clean drinking water with individual cups or from water fountains
- Hand washing facilities with water, soap, and hand towels
- Sanitary toilet facilities located near the worksite

WORKING WITH PESTICIDES

The US Environmental Protection Agency's Worker Protection Standard protects workers from pesticide exposure by requiring employers to provide the following:

- A central posting of recent pesticide applications.
- Notification to workers about treated areas so they may avoid inadvertent exposures.
- Personal Protective Equipment (P.P.E.) for handlers and early-entry workers.
- An ample supply of water, soap, and towels for routine washing and emergency decontamination.
- Training for all workers and handlers and a pesticide safety poster must be displayed.
- Transportation to a nearby medical facility and information to the doctor about the specific pesticides used at your workplace. This information is very important in making sure that the doctor provides the correct treatment.

If you are exposed to pesticides on the job, seek medical attention immediately or call 911. Contact us to receive free help making an anonymous complaint about pesticide exposure or contact the NYS Department of Environmental Conservation (DEC) directly at 1-800-847-7332.

It is your right to make a complaint about pesticide exposure without fear of retaliation or being fired.

OSHA RIGHTS

The federal Occupational Safety & Health Act aims to prevent workers from being killed or seriously harmed at work. It requires employers to ensure working conditions are free of known dangers. The Occupational Safety & Health Administration (OSHA) is a federal agency that enforces workplace health and safety standards, which protect workers regardless of immigration status. Your rights under OHSA include:

- The right to receive information and training in a language you understand about workplace hazards, how to avoid injuries, and any OSHA regulations that apply to your workplace.
- Under certain conditions, the right to refuse to perform dangerous work if there is imminent risk of death or serious injury.
- The right to file an anonymous complaint with OSHA, which may result in an inspection of your workplace.
- The right to speak privately with OSHA inspectors during an inspection of your workplace.

If health and safety violations are found during an inspection, your employer can be cited and fined. The employer is not allowed to punish you for making a complaint about unsafe working conditions or exercising any of your rights under OSHA. If your employer retaliates against you for making an OSHA complaint, you can file a retaliation complaint within 30 days of the retaliation.

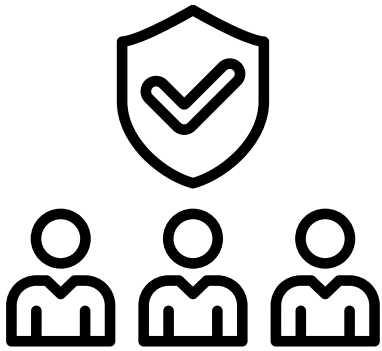
Important note! If you work on a farm with ten or fewer employees at all times during the past 12 months, you are NOT protected by OSHA! However, other rights and protections may apply.

WORKPLACE SAFETY COMMITTEES

If you work for a company in New York State with 10 or more employees, you have the right to form a joint labor-management workplace safety committee in your workplace, composed of at least two-thirds non-supervisory employees. Through such a workplace safety committee, employees can address safety and health concerns, hazards, complaints and/or other violations.

To establish a Workplace Safety Committee:

- At least two non-supervisory employees must request the formation of a workplace safety committee.
- Employers must respond within 15 days when they receive the request for recognition of a workplace safety committee.
- Employers must provide notice to all employees within five days of recognition of the workplace safety committee.
- Employers cannot participate in the selection of the non-supervisory employees to be selected for the workplace safety committee.



Employees can request to form or join a workplace safety committee regardless of immigration status! Contact us for support if you are interested in forming a workplace safety committee.

WORKERS' COMPENSATION

Worker's Compensation is a type of insurance that virtually all employers are required to have in case employees are injured on the job or become sick from their working conditions. If you are injured while working or become sick as a direct result of your job, you have a right to receive Worker's Compensation benefits, regardless of your immigration status.

These benefits pay for your medical care and a portion of your lost wages if you are unable to work for more than 7 days. For any injury that may have permanent effects, there are also other benefits. If a worker passes away on the job, their family can get benefits, too. Workers' Compensation is complicated, so please call us for advice if you are injured at work.

To claim these benefits, you must:

- Get prompt medical care. If it is an emergency, call 911.
- As soon as possible, notify your boss or supervisor in writing of your medical condition including how, when, and where it occurred. It is best to do this within 30 days.
- Tell the medical provider that you were injured or became ill on the job and that you plan to file a Worker's Compensation claim.
- Ask the medical provider to file a medical report directly with the NY Workers' Compensation Board. If you are unable to work or cannot perform all your normal work duties because of your work-related medical condition, ask the doctor to include this information in their report to the Worker's Compensation Board and in your medical file. Request a copy of all records related to your visit and keep these records in a safe place.

WORKERS' COMPENSATION

- The medical provider may ask you for more information about your employer and their Worker's Compensation insurance policy. Even if your employer does not have Worker's Compensation insurance as they should, or you do not have information about the insurance provider, your medical expenses should still be covered by Worker's Compensation.

Look up your employer's Worker's Compensation insurance carrier and policy number here.

- File a C-3 claim form as soon as possible. Remember, if you do not file a claim or if your employer pays your medical bills directly without filing a claim form, you will not receive insurance or legal protection for your case in the long run. You have 2 years to file a C-3 form.
- In New York, if an employee dies due to a work-related injury or illness, their family can receive workers' compensation death benefits, which include funeral/burial expenses, and weekly cash benefits to eligible dependents based on the deceased's average weekly wage.

Important! You cannot file a Worker's Compensation claim more than two years after the workplace illness, injury, or death occurred, so the C-3 form should be filed as soon as possible.

For additional assistance, call us, or contact:
The Office of the Advocate for Injured Workers
Workers' Compensation Board
Phone: 1-800-580-6665
email: advinjwkr@wcb.ny.gov

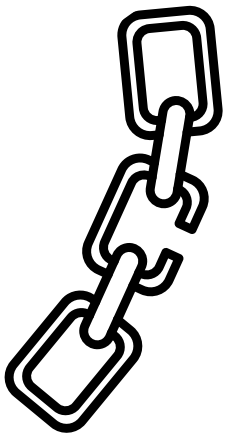
HUMAN TRAFFICKING

You should not be prevented from leaving your job through force, fraud, or coercion.

If you have experienced any of these following conditions you may be a victim of Human Trafficking:

- You were offered one job but forced to work a different job upon arrival
- All/most of your pay goes towards paying off a debt with an employer or labor contractor
- You are not allowed to leave your workplace or your employer-provided housing
- You were threatened with deportation or law enforcement action
- You were coached on how to talk to law enforcement officials
- You were forced to perform sexual acts
- You are under 18 and engaged in commercial sex
- You are not free to contact friends and family

If you believe you are a witness or victim to any of these conditions, contact the Worker Justice Center's Trafficking Team at 1-800-724-7020 (non-emergency) or the 24-hour National Human Trafficking Hotline at 1-888-373-7888. In case of an emergency, call 911.



THE RIGHT TO ORGANIZE

Farmworkers in New York have the right to organize, which means you are protected by law when you act collectively with your coworkers to improve your working conditions. Protected activities include talking with your coworkers about your working conditions better, asking for improvements from your employer, and joining or forming a union.

Once a union is certified to represent you and your coworkers, you can then collectively negotiate directly with your employer to improve your working conditions through a Collective Bargaining Agreement. A Collective Bargaining Agreement or union contract is a legally binding agreement outlining the terms and conditions of employment, such as wages, benefits, and working conditions. Union contracts often include benefits for workers such as higher salaries, seniority rights, retirement savings, and clear disciplinary procedures.

Your employer is prohibited by law from discouraging you from organizing, retaliating against you for joining or being active in your union, or spying on your union activities.

Important! New York law prohibits farmworkers from engaging in strikes, work stoppages, or slowdowns.

FREEDOM FROM RETALIATION

You have the right to exercise your labor rights free from retaliation by your employer. Retaliation includes firing, threatening, penalizing, or in any other manner discriminating against you. It also includes contacting or threatening to contact immigration authorities or threatening to report or reporting your immigration status—or that of a family or household member—to a federal, state or local agency.

YOUR RIGHTS AS AN IMMIGRANT

Recent and ongoing changes to immigration policy and enforcement practices are causing concern and confusion for immigrant workers. For the most up-to-date information related to immigration policy and your rights as an immigrant, please contact our office or consult with an immigration attorney.

Those at highest risk for detention and deportation include anyone with a prior order of removal and anyone convicted of a crime. This includes non-violent drug-related crimes and driving while intoxicated. Anyone without lawful immigration status is also at high risk.

If you drive, keep your license and registration up to date and strictly obey all traffic laws. If you have lawful immigration status, carry documentation of your status with you in case you are stopped. Make sure to keep copies in a safe place at home.

Remember, only US Citizens are entirely protected from deportation. However, ALL people in the United States are protected by the constitution.

Your constitutional rights when stopped by immigration agents include:

- The right to remain silent if stopped, detained, or arrested by immigration officials. You may say, "I don't want to answer your questions," or "I am exercising my right to remain silent."

- You do not have to answer questions about where you were born, how you entered the US, or show identity documents that show where you are from.

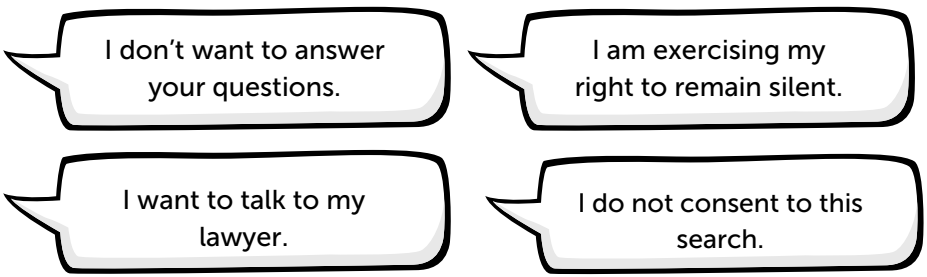
YOUR RIGHTS AS AN IMMIGRANT

- The right to speak with a lawyer if you are detained or arrested. You may say, "I want to talk to my lawyer."
- The right to refuse consent to a search of your person, belongings, home, vehicle, or private areas of your workplace by police or immigration officials without a judicial warrant. You may say, "I do not consent to this search."
- The right to refuse entry into your home, vehicle, or private areas of your workplace without a judicial warrant signed by a judge. You may say, "I will not allow you to enter without a judicial warrant."
- You have the right not to let anyone in without showing you that warrant. It must be signed by a judge and should have your name and address on it—sometimes ICE will show paperwork signed only by ICE.
- You may keep track of anything that happens during a stop, but do not interfere.

Do NOT lie or provide fake identity documents! You may simply say you "choose to remain silent."

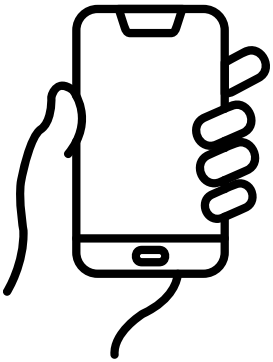
Do NOT run away, resist, or fight back. Instead, stay calm and ask, "Am I free to go?"

Do NOT sign anything without first consulting with an attorney.



DOCUMENTING POLICE & IMMIGRATION AGENTS

It is legal to film and photograph police and immigration officials, except in restricted areas like border crossings. You do not need permission to record police or immigration officials, but you do NOT have the right to interfere with their activities. If you are asked to back up, you should comply with those instructions. Keep in mind that agents may react aggressively, so consider the risks that may come with recording. If you are able, document the following:



- Location, including street signs or landmarks
- Identifying details, such as names, badges, license plate numbers
- Number of agents, how they are dressed, and how they and behave
- Any use of force, intimidation, mistreatment, damage, or injuries
- Existence or lack of proper warrant, existence or lack of consent

FOR IMMIGRANT PARENTS

If you have children, make a plan in case you are detained or deported. Contact us to learn more about how to make a family preparedness plan or scan the QR code for more information.

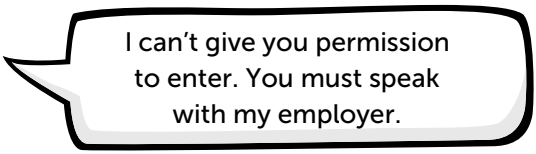
If your children are with you when you are detained or arrested, ask the officer to let you make a phone call immediately to contact your caretaker to come pick up your children, so they are safe and taken care of and not placed with child protective services.

WORKPLACE RAIDS

If immigration officials come to your workplace, remember your constitutional rights!

ICE agents can enter public areas of the workplace without permission, but they are not allowed to stop, question, or arrest just anyone because it is a public area. No one can enter a private area of the workplace without the employer's permission or a judicial warrant. Make a plan with your coworkers and employer and practice what to do in case of a visit by ICE. Know where the public and private areas are in your workplace, making sure there is clear signage designating private areas.

You may say:



If ICE agents do come to your workplace, stay calm. Do not run or hide – this may give them a reason to arrest you. Direct all agents and questions to your supervisor or employer. You do not have to answer questions about your immigration status, where you are from, or how long you have been here. You do not have to show identity documents that show where you are from. You may choose to remain silent. You may say you do not consent to a search. You may say you want to speak with a lawyer. You do not have to answer questions about other employees.

For more information and resources about your constitutional rights, visit:

Immigrant Defense Project

WE HAVE RIGHTS

wehaverights.us

ADDITIONAL RESOURCES

STAY UPDATED

Would you like to stay up to date about your rights as a farmworker? Join the Whatsapp Info Channel CAMPO USA!

To join, scan here:

-or-

Send CAMPOUSA to
+1 (647) 557-2816 on
Whatsapp

-or-

call 1-833-290-3672

Polaris
Freedom happens now.

DRIVERS' LICENSES

Under the Green Light law, New York residents can obtain their standard NYS drivers' license regardless of immigration status.

Scan the QR code for more information and resources about the process of obtaining your drivers' license under the Green Light law.

ADDITIONAL RESOURCES

LANGUAGE ACCESS

Under the law, New York State agencies that provide services or benefits to the public must offer interpretation services to the person receiving services or benefits in their primary language, including American Sign Language (ASL).

For more information about your language access rights, scan here:

ACCESS TO HEALTHCARE

Contact the National Center for Farmworker Health's Call for Health Program to get assistance with finding an affordable healthcare provider in your area.

Call +1 (800) 377-9968 or message through Whatsapp at +1 (737) 414-5121 for assistance.

NCFH
National Center for Farmworker Health, Inc.

ADDITIONAL RESOURCES

IMPORTANT PHONE NUMBERS

DOMESTIC VIOLENCE

National Domestic Violence 24-Hour Hotline:
1-800-799-7233

NY 24-Hour Domestic & Sexual Violence Hotline:
1-800-942-6906

MENTAL HEALTH

Suicide & Crisis Lifeline: call or text 988
Chat: 988lifeline.org

Local Crisis Hotline & Referral Services: call 211

Crisis Text Line: Text HOME to 741741
or go to crisistextline.org

OFFICE FOR NEW AMERICANS

Referrals to immigration legal services and other resources for immigrants in NY

Hotline: 1-800-566-7636

NEW YORK STATE | Department of State
Office for New Americans

CONTACT US

Contact us toll free from anywhere in the world at 1-800-724-7020 or via WhatsApp at 845-331-6615.

Locations

1187 Culver Rd.
Rochester, NY 14609
585-325-3050

9 Main St
Kingston, NY 12401
845-331-6615

245 Saw Mill Rd. Suite 106
Hawthorne, NY 10532
845-331-6615

Find Us Online

Facebook: @WJCNY
Instagram: @workerjusticecenter
Twitter: @workerjusticeny
Bluesky: wjcny.bsky.social
Website: www.wjcny.org

Scan here for our website:

Worker Justice Center of New York
Dignity for every worker!