

How to Use This Flip Chart

- Before presenting, read through the flip chart to familiarize yourself with the content.
- Once you flip over this page, you will see the first page that participants will see. This side of the flip chart will always be facing the audience.
- The other side will include notes for the instructor that correspond to the images that the audience will see. These notes include talking points that you can put into your own words or use as a script.

Lessons

IIPP and Cal/OSHA Rights (10 minutes)

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Worker Benefits (20 minutes)

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aghealth.ucdavis.edu

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Sources: California Department of Industrial Relations (Cal/OSHA, Labor Commissioner's Office, Division of Workers' Compensation); Legal Aid at Work (legallaidatwork.org)

This flip chart is intended to provide accurate, general information regarding workplace rights in the state of California. The information included in this flip chart is current as of the date of its publication. Laws and regulations are subject to change as well as differing interpretations. This flip chart is not intended to substitute the advice of an attorney. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation.

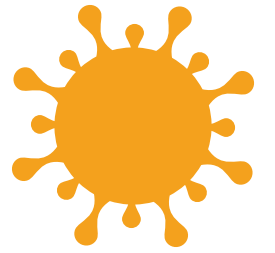
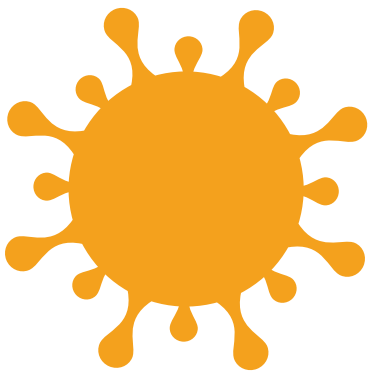
Welcome

Good (morning, afternoon or evening), thank you for being here.

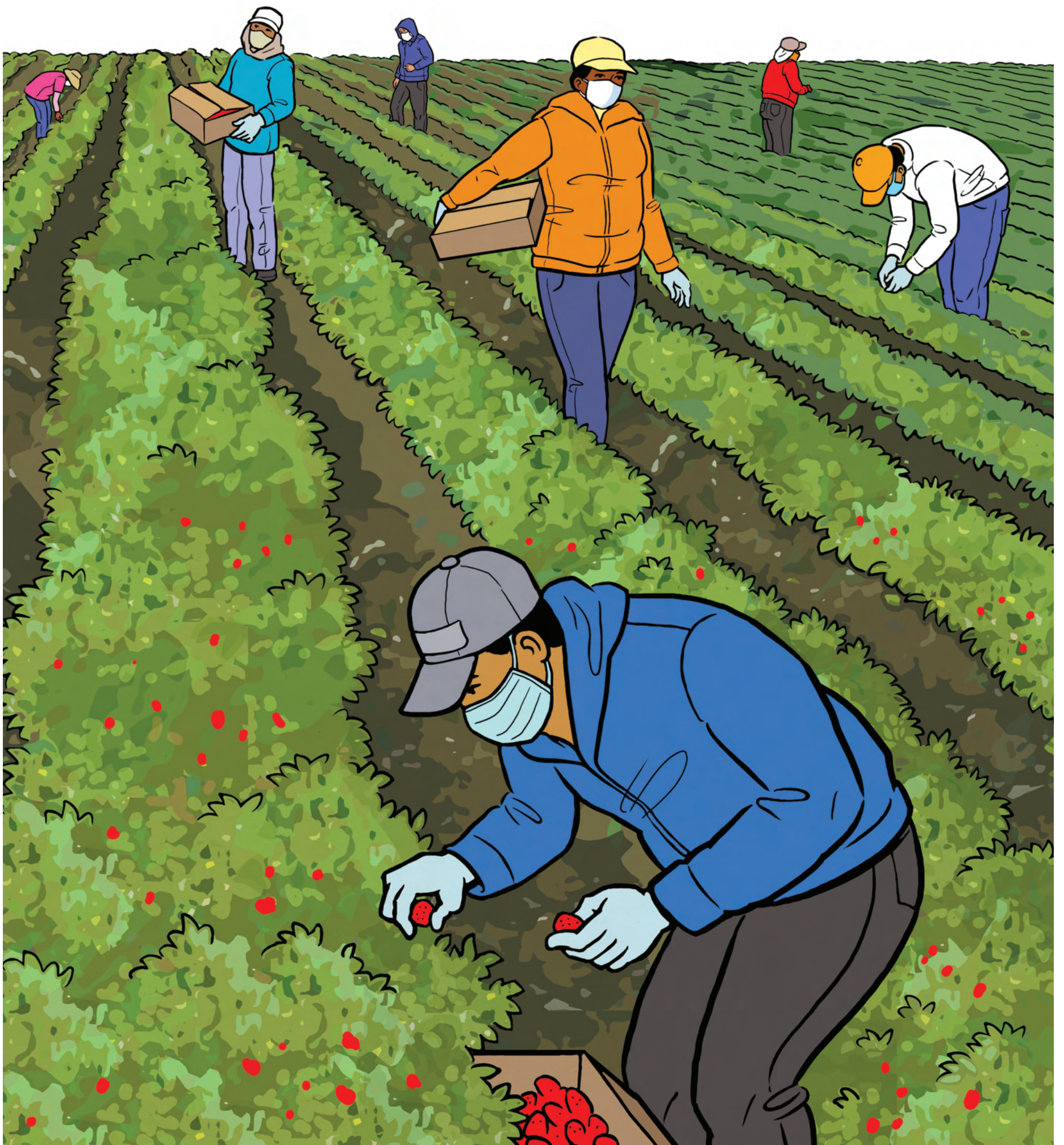
Today we are going to learn about the different kinds of rights that all California workers have and the benefits that you may be eligible for in different situations.

Today I will give you an overview of the types of benefits that are available and information on how you can learn more if you have questions about your individual situation.





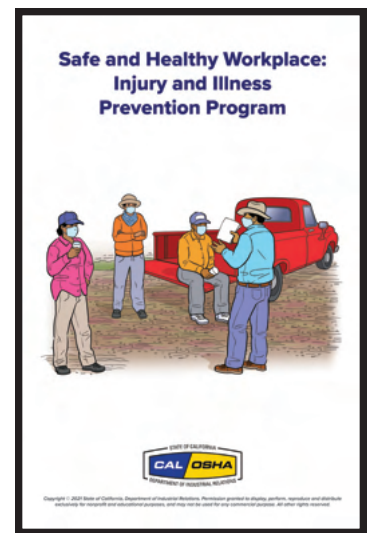
Welcome



Safe and Healthy Workplace: Injury and Illness Prevention Program

All workers, regardless of immigration status, have the right to a safe and healthy workplace. To make sure that the workplace is safe, every employer is required to develop and implement an Injury and Illness Prevention Program, sometimes referred to as an IIPP.

Under the IIPP, there are certain things that your employer must do to keep you safe that you should be aware of. For instance:



Training and Communication

- The safety trainings you participate in **MUST BE IN A LANGUAGE AND MANNER THAT YOU UNDERSTAND.**
- This also applies to anything else your employer does to communicate with you about safety, such as meetings and announcements.
- If you do not understand what you are being told, inform your supervisor with the help of a coworker.
- Remember, you should be trained on the hazards at your workplace whenever:
 - You start working for a new employer;
 - Are given a new job task;
 - A new process is introduced;
 - New chemicals are introduced; or
 - New equipment is introduced.

Workplace Safety

- Your employer should be regularly assessing the workplace to:
 - Find any new hazards;
 - Correct any existing hazards; and
 - Investigate injuries when they occur.
- They also need to have a process in place for making sure that the safety rules are being followed and, depending on the number of workers, documenting all inspections, injuries, and training.

Access to the IIPP

- If you want to know how they do this at your workplace, you have the right to ask to see the IIPP, which should include all of those details. You even have the right to get a copy of it.
- Your employer or supervisor should also tell you who maintains the IIPP. If they don't tell you, you have the right to ask them.
- Lastly, remember that having access to the IIPP is your legal right. This means your employer cannot retaliate against you just for asking to see the IIPP and must provide it to you within five business days.

Safe and Healthy Workplace: Injury and Illness Prevention Program

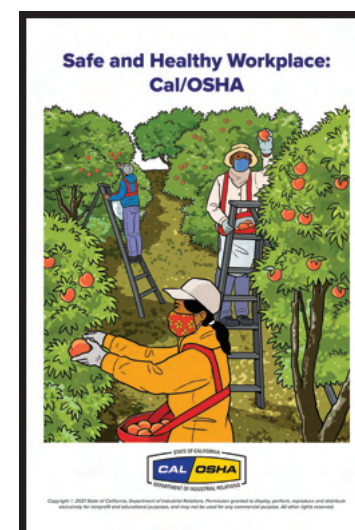


Safe and Healthy Workplace: Cal/OSHA

Cal/OSHA is the state agency that inspects workplaces and gives fines to employers if they do not keep their workplace safe. If your workplace is not safe, you can contact Cal/OSHA to file a complaint.

True or False: A person who is undocumented cannot call Cal/OSHA.

False: Any worker, regardless of immigration status, can contact Cal/OSHA if they believe their workplace is not safe. They will not ask you about your immigration status and you are not obligated to talk about it. Let's talk more about this.



Contacting Cal/OSHA

- Any worker, regardless of immigration status, can contact Cal/OSHA if they believe their workplace is not safe. Former employees and community members can contact them as well.
- If you want to file a complaint with Cal/OSHA, you can call the local Cal/OSHA district office. If possible, call during their business hours (Monday through Friday, 8 a.m. to 5 p.m., except state holidays). Otherwise, you can call after hours and leave a message or send them an email.

True or False: If I contact Cal/OSHA and tell them my name, my employer will know that I was the one who called.

False: If you do tell them your name, they have to keep it confidential unless you give them written permission to share it. This means that no one, including your employer, will know who filed the complaint unless you are OK with it. Let's talk more about this.

Confidentiality

- You do not need to tell them your name if you don't want to, but if you do tell them your name, they have to keep it confidential unless you give them written permission to share it.
- This is important to know because Cal/OSHA gives more priority to a complaint from a person who disclosed their name than to an anonymous complaint.
- The more information you are able to give them, such as when and where the hazard occurred, who else was present, and how many times the hazard has been reported to supervisors/employers, the better. If the worksite has an address, look it up before you contact Cal/OSHA because they will ask for that information.
- If the complaint is about a hazard that puts a worker in immediate danger of being seriously injured or killed, then Cal/OSHA will prioritize that complaint even if it is anonymous.

Refusing to do dangerous work

- Remember, you have the right to refuse to do any work that you believe may be dangerous enough to seriously injure you or kill you and your employer is not allowed to retaliate against you for refusing to do it.
- In order to make sure you are protected from retaliation for refusing to do dangerous work, you have to make sure that:
 - You have already asked your employer to fix the dangerous situation, but they did not do it.
 - You genuinely believe that a reasonable risk of death or serious injury exists.
 - A reasonable person would agree that there is a real danger of death or serious injury.
 - Due to the urgency of the hazard, there isn't enough time to get it corrected through regular enforcement channels, such as requesting a Cal/OSHA inspection.

Safe and Healthy Workplace: Cal/OSHA



Safe and Healthy Workplace: Examples

Now we are going to look at possible situations through the perspective of a worker named Marta and navigate through the different options that are available to her based on those situations.

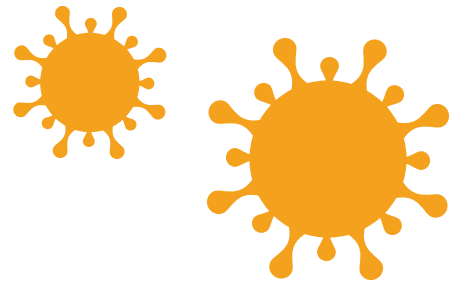
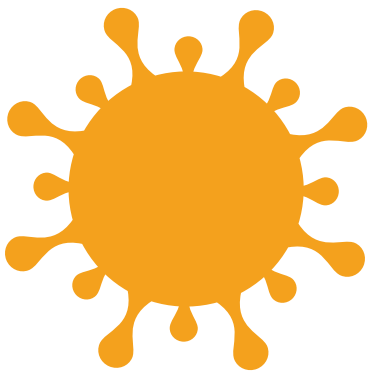
Marta is a worker who is feeling anxious about being at work because she is unsure of what is being done to keep her safe.



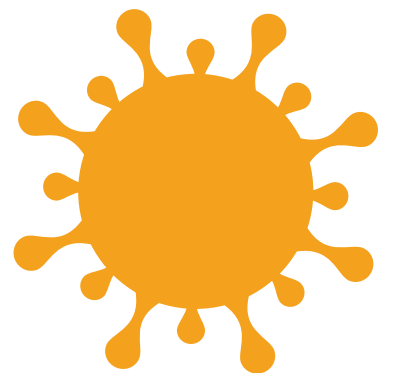
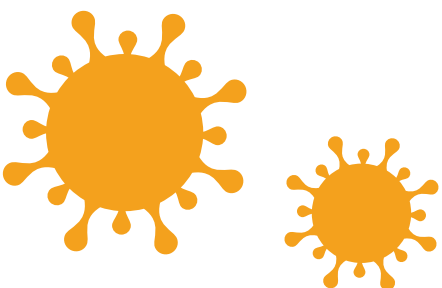
- **Does Marta have the right to know what the workplace does to keep her safe?** *[wait briefly for responses]*
- Yes
- **What can she do to find out those details?** *[wait briefly for responses]*
- She can ask to look at the IIPP or talk to whoever is in charge of safety at the workplace, like a safety officer. They may be able to answer her questions without having to show Marta the IIPP, especially if they are the person in charge of maintaining it.

Marta noticed that some of the COVID-19 prevention regulations were not being followed and the employer was not doing anything about it even though multiple workers had complained that they did not feel safe.

- **Who could she or one of her co-workers contact in this situation?** *[wait briefly for responses]*
- Cal/OSHA. Remember that under Cal/OSHA’s regulations, your employer is required to take several steps to protect you from COVID-19 at work.



Safe and Healthy Workplace: Examples



Paid Sick Leave

Now we will talk about paid sick leave which is available if you are sick and cannot work.

You can use three days of protected paid sick leave a year (this could be at least 24 hours total but the exact number of hours will depend on how many hours you work in a day). The year is usually defined by the date you were hired, not by the calendar year. You can use this leave if you are sick or for medical appointments. You can also use it to take care of a family member. This leave is available if you have worked for at least 90 days with your employer. It covers every worker no matter how big your employer is.

Ask your employer for time off if you are sick. You can ask to use your paid sick leave verbally or in writing. Paid sick leave is paid at the regular rate of pay, which must be at least the state or applicable local minimum wage.

Your employer cannot require you to find someone to work for you if you are sick in order for you to use your paid sick leave. It is illegal for your employer to retaliate against you for being injured, or asking for information about, requesting, or using paid sick leave. If your employer denies your request to take paid sick leave you can file a complaint with the Labor Commissioner.

You are eligible for paid sick leave regardless of your immigration status.



Paid Sick Leave



Workers' Compensation

Workers' compensation is a benefit for workers who are injured on the job. It can cover the cost of medical treatment and sometimes lost wages. You are eligible for workers' compensation regardless of immigration status, how long you have worked for your employer, your age, whether you are a temporary or seasonal worker, and regardless of whose fault it was that you were injured.

True or False: You are eligible for workers' compensation regardless of immigration status.

True: It is illegal for your employer to punish you or fire you for being injured on the job, but it is important to know that, if you do not have work authorization and your employer fires you for getting injured at work, you may not be able to get your job back. Nonetheless, if you believe you were fired as retaliation for reporting a workplace injury or filing a workers' compensation claim, you can still file a retaliation complaint with the Labor Commissioner's Office.

If You Are Injured or Become Ill at Work

- Tell your employer as soon as you have symptoms and realize your injury or illness was caused by your job. You should get medical treatment as soon as possible. Your employer may tell you what doctor you need to see, but if it is an emergency, go to the emergency room or call 9-1-1 right away.

Employer Responsibilities

- Your employer must give you a workers' compensation claim form within 24 hours of learning about your injury. The form is available in English and Spanish. Your employer must complete their part of the claim form and then give you a copy and send a copy to their insurance company. If your employer does not give you the claim form, or if you need support completing it, you can contact the Division of Workers' Compensation. You can reach them by calling one of their local offices during business hours (8 a.m. – 5 p.m.), or you can call 1-800-736-7401 for recorded information 24 hours a day.

What the Insurance Company Does With the Claim

- After your employer sends the completed claim form to their insurance company, the company will review the information and must respond within 14 days. They may accept the claim, delay the claim, or deny the claim. If the claim is delayed or denied, you can contact an information and assistance officer for help. (Local numbers are located at the end of the flip chart.)

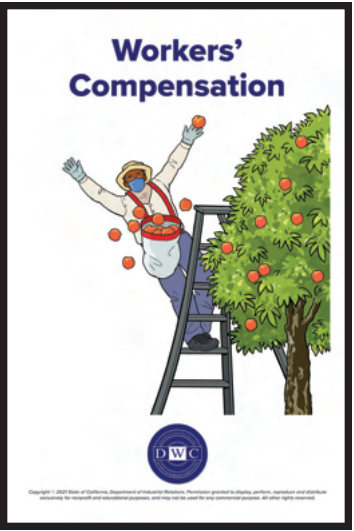
True or False: My employer says that I got injured because I wasn't following instructions. If they are right, I am not eligible for workers' compensation.

False: Generally, workers are eligible for workers' compensation benefits regardless of whose fault it was that they were injured.

Benefits You Are Eligible For:

- **Medical care:** paid for by your employer, regardless of whether you had to miss time from work.
- **Temporary disability benefits:** a portion of your wages if you are unable to work while you recover. We will discuss this more in a minute.
- **Permanent disability benefits:** additional payments if you don't fully recover. The amount is based on how serious your injury is.
- **Supplemental job displacement benefits:** if your injury happened in 2004 or later, this benefit gives you access to retraining or skills development if you will not be able to go back to your job because of the injury or illness. This benefit may not be available for workers who are undocumented.
- **Death benefits:** payments to your spouse or children if you die from a job injury or illness.

During the COVID-19 pandemic, many essential workers (like farmworkers) who test positive for COVID-19 are eligible for workers' compensation if there is an outbreak at their worksite (three or more workers are ill or test positive within a 14-day period). This is because the government determined it is likely that the worker was infected on the job. However, an employer can challenge the claim and show the worker was infected outside work.



Workers' Compensation



Workers’ Compensation: Temporary and Permanent Disability Benefits

If you are unable to work due to a workplace injury, you may receive payments while you are recovering. Temporary disability benefits begin when a doctor provides a medical report or note stating that you cannot do your usual work for more than three days or if you get hospitalized overnight.

This benefit usually pays two-thirds ($\frac{2}{3}$) of your wages. A medical provider will document how long you need to be out of work while you are recovering.

If your injury was serious enough to cause a lasting disability or illness that affects your ability to earn a living long-term, you may be eligible for permanent disability benefits. Your medical provider will determine how your injury affects your ability to work and this, along with your age and occupation, will be used to determine the disability benefit.



Workers' Compensation: Temporary and Permanent Disability Benefits



State Disability Insurance (SDI)

The California State Disability Insurance (SDI) program provides short-term Disability Insurance (DI) and Paid Family Leave (PFL) wage replacement benefits to eligible workers who need time off work.

Disability Insurance (DI) is available for people who are not able to work because of an illness or injury. It does not have to be related to work.

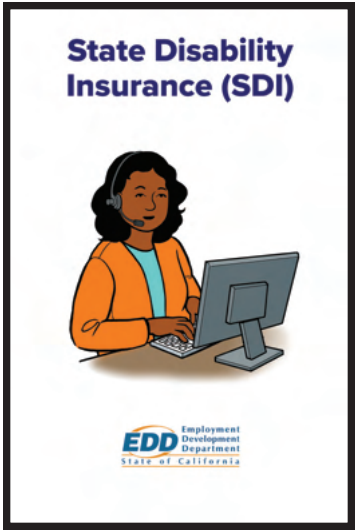
You are eligible for this benefit regardless of immigration status. However, you need to have paid into the state disability insurance system. To determine if you have paid into the system you can look for ‘SDI’ or ‘CASDI’ on your pay stub. The program will cover 60% or 70% (depending on income) of the wages you would normally make, for up to 52 weeks while you are unable to work due to an illness or injury. The amount you receive from disability insurance is based on your earning history during a specific 12-month period, five to 18 months before you file your claim.

To file a claim, contact the Employment Development Department (EDD). You do not submit the claim through your employer. EDD should not ask about your immigration status, but will ask for your social security number (SSN) to verify your wages.

Note: If an application form asks for your social security number (SSN) and you do not have one, you may leave the field blank. There are other ways for the agency to verify you have qualified earnings.

If you have paid into the state disability insurance fund, you are also eligible for California Paid Family Leave. Paid Family Leave provides partial pay 60% or 70%, depending on income while you are on leave to take care of a seriously ill family member or to bond with a new child. You may only use eight weeks of this leave in a 12-month period. Like Disability Insurance, Paid Family Leave is available regardless of immigration status.

Neither of these programs give you job protection. However, another benefit we will discuss later does.



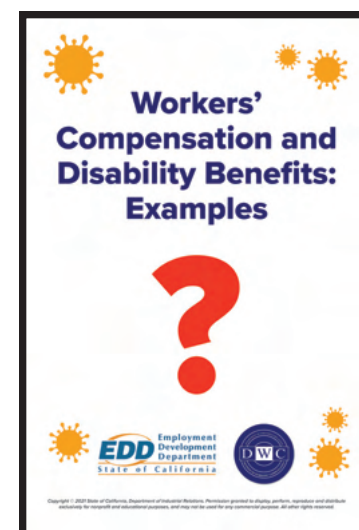
State Disability Insurance (SDI)



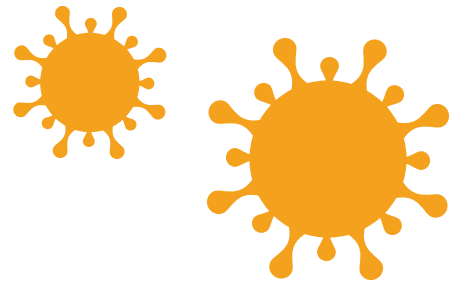
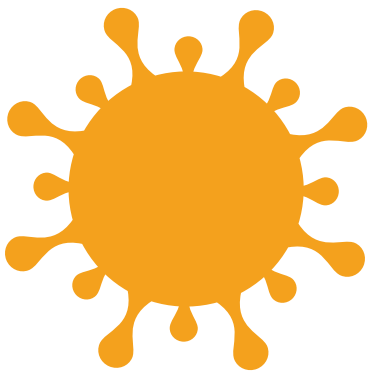
Workers' Compensation and Disability Benefits: Examples

Now we are going to look at possible situations through the perspective of a worker named Alejandro and navigate through the different options that are available to him based on those situations.

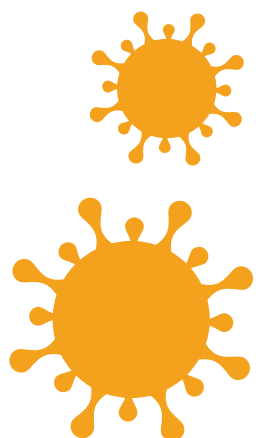
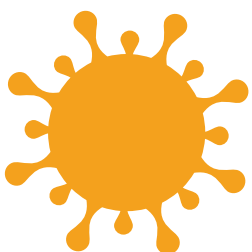
Alejandro is a worker who was injured when he fell from a ladder at work. He does not have health insurance and is thinking of filing a claim for workers' compensation, but he does not know if his injury is covered.



- **What types of accidents fall under workers' compensation?** *[wait briefly for responses]*
- Generally, any injuries or illnesses that occur at work are covered by workers' compensation, including COVID-19. It does not matter whose fault it was and it is illegal for an employer to punish or fire a worker for having a job-related injury/illness.
- **What if Alejandro's injury was bad enough that the doctor says he will not be able to work for a while? What benefits should he consider in this situation?** *[wait briefly for responses]*
- There are temporary disability benefits through workers' compensation that apply to any injuries that occur in the workplace. There is also Disability Insurance that applies to any injury that prevents someone from working when the injury is not work-related. Just keep in mind that you usually cannot receive both of these benefits at the same time.
- **What if Alejandro's injury was so serious that the doctor says he will never be able to go back to work? What benefits should he consider in this situation?** *[wait briefly for responses]*
- There are also permanent disability benefits through workers' compensation that apply to injuries that occur in the workplace which would pay him two-thirds ($\frac{2}{3}$) of his salary for life. The Disability Insurance would also be an option to consider, but this is only available for up to 52 weeks. As mentioned earlier, you usually cannot use workers' compensation and Disability Insurance at the same time.



Workers' Compensation and Disability Benefits: Examples



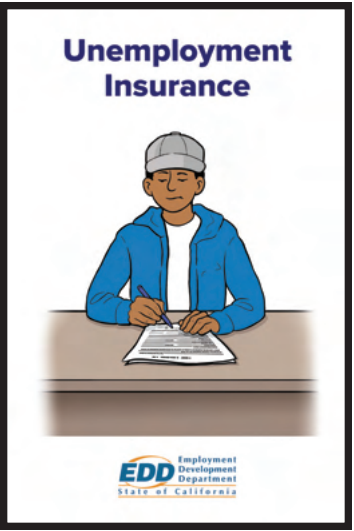
Unemployment Insurance

If you have lost your job or have had your hours reduced, you may be eligible for unemployment benefits. Unemployment Insurance is for individuals who are “able and available for work”.

If you qualify for unemployment, the amount of compensation and benefits you will receive while you are unemployed will depend on your situation.

You are **not eligible** for unemployment benefits if you are undocumented.

To file a claim, contact the Employment Development Department (EDD).



Unemployment Insurance



Family and Medical Leave

The California Family Rights Act (CFRA) allows most workers in California to take up to 12 weeks off from work to take care of themselves or a family member, with the right to return to their job afterwards. It also requires an employer to continue an employee's health benefits during leave. It can be used for an employee's own serious health condition, to care for a seriously ill family member, or to bond with a new child.

To be eligible for job-protected family and medical leave, you must:

1. Work for an employer with five or more employees.
2. Have worked for the employer for more than 12 months.
3. Have worked for at least 1,250 hours in the past 12 months (that is about how much someone with a part-time job of approximately 25 hours a week would work).

Citizenship and immigration status do not affect eligibility.

If you ask your employer for California Family Rights Act leave, your employer does not have to pay you, but you may be eligible for income through Disability Insurance or Paid Family Leave during your leave. Your job will be protected for when you return. You may also have to pay for your portion of the premium for any health benefits that would normally be provided by your employer while you are on leave. Your employer must pay their portion of the premium during your leave and continue your benefits.

Note: You can ask your employer for CFRA leave verbally or in writing. However, documenting your request in writing is a good idea.



Family and Medical Leave

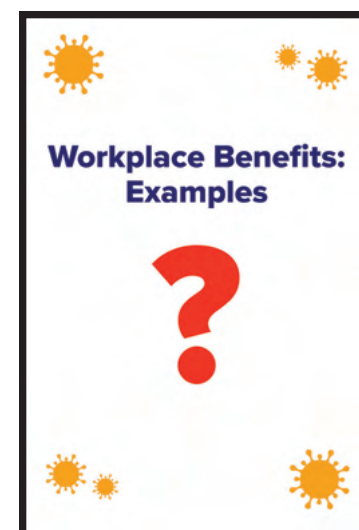


**California Department of
Fair Employment and Housing**

Workplace Benefits: Examples

Now we are going to look at possible situations through the perspective of a couple of different workers and navigate through the different options that are available to them based on those situations.

Jorge is a worker who has been hearing about people in his community who are getting sick from COVID-19, and some who lost their jobs because of their workplace shutting down due to too many COVID-19 outbreaks. He is undocumented and wants to learn more about what benefits are available to him in case he or someone in his family gets sick.



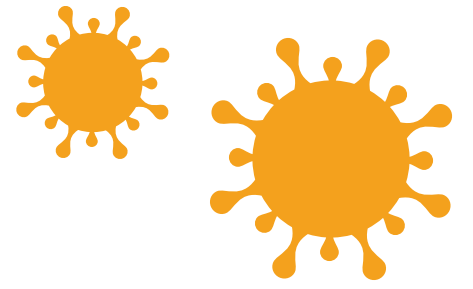
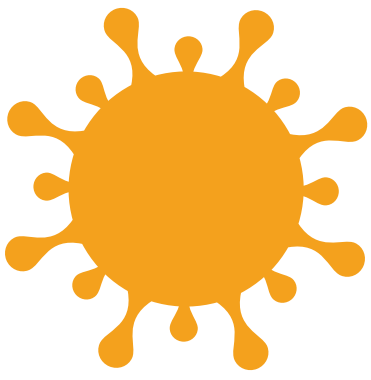
- **What benefits are undocumented people eligible for?** *[wait briefly for responses]*
- Documentation status does not matter when it comes to worker protections. This means that workers' compensation, state disability insurance, family and medical leave, California Family Rights Act leave, and paid sick leave for three days are for all workers regardless of immigration status. Undocumented people are not eligible for unemployment insurance though.

Luisa is a worker who injured her back, so she can't go back to work right away.

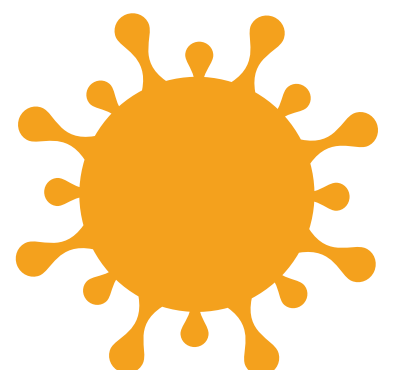
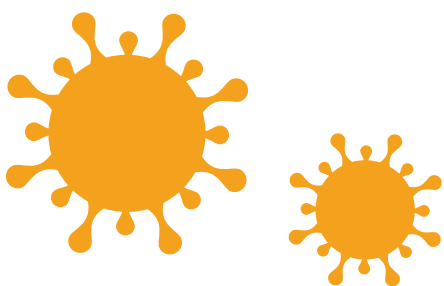
- **What can she do so that she is still able to get some pay while she recovers?** *[wait briefly for responses]*
- She may use three days of protected sick leave. Workers' compensation may also be an option for her if she was injured at work. She may also qualify for temporary disability insurance. If Luisa believes her injury was work-related, she should immediately tell her employer and file a workers' compensation claim. Her employer needs to give her the form to file a workers' compensation claim, or she can contact the Division of Workers' Compensation.

After returning to work, she finds out that her mother has become seriously ill and needs to be monitored at home. There is no one else who can take care of her, so Luisa needs to take time off work.

- **What benefit should she consider in this situation?** *[wait briefly for responses]*
- She can use California Family Rights Act leave for 12 weeks. This benefit will not provide income, but it will protect her job for when she is able to go back to work. Her employer also must continue her health insurance benefits during her leave. Her employer may request documentation from her mother's doctor in order to approve the leave. Luisa can also apply for and receive Paid Family Leave income for eight weeks while she cares for her mother.



Workplace Benefits: Examples



Cal/OSHA District Offices

(<https://www.dir.ca.gov/dosh/districtoffices.htm>)

American Canyon phone: (707) 649-3700 email: DIRDOSHAmericanCanyon@dir.ca.gov	Oakland phone: (510) 622-2916 email: DOSHOAK@dir.ca.gov	High Hazard Unit – North phone: (510) 622-3015 email: DOSHHHUN@dir.ca.gov
Bakersfield phone: (661) 588-6400 email: DOSHBAK@dir.ca.gov	Redding phone: (530) 224-4743 email: DOSHRED@dir.ca.gov	High Hazard Unit – South phone: (714) 567-7100 email: DOSHHHUS@dir.ca.gov
Foster City phone: (650) 573-3812 email: DOSHFC@dir.ca.gov	Sacramento phone: (916) 263-2800 email: DOSHSAC@dir.ca.gov	Labor Enforcement Task Force – North phone: (916) 263-4185 email: DIRLETFN@dir.ca.gov
Fremont phone: (510) 794-2521 email: DOSHFremont@dir.ca.gov	San Bernardino phone: (909) 383-4321 email: DOSHSB@dir.ca.gov	Labor Enforcement Task Force – South phone: (714) 558-4120 email: DIRLETFS@dir.ca.gov
Fresno phone: (559) 445-5302 email: DOSHFresno@dir.ca.gov	San Diego phone: (619) 767-2280 email: DOSHSD@dir.ca.gov	
Long Beach phone: (424) 450-2630 email: DOSHLBO@dir.ca.gov	San Francisco phone: (415) 557-0100 email: DOSHSF@dir.ca.gov	
Los Angeles phone: (213) 576-7451 email: DOSHLA@dir.ca.gov	Santa Ana phone: (714) 558-4451 email: DOSHSA@dir.ca.gov	
Monrovia phone: (626) 239-0369 email: DOSHMRV@dir.ca.gov	Van Nuys phone: (818) 901-5403 email: DOSHVN@dir.ca.gov	

Workers’ Compensation Information and Assistance Units

(<https://www.dir.ca.gov/dwc/landA.html>)

Call **1-800-736-7401** for recorded information that helps injured workers, employers and others understand California’s workers’ compensation system, and their rights and responsibilities under the law.

Anaheim (714) 414-1801	Oxnard (805) 485-3528	San Francisco (415) 703-5020
Bakersfield (661) 395-2514	Pomona (909) 623-8568	San Jose (408) 277-1292
Eureka (707) 441-5723	Redding (530) 225-2047	San Luis Obispo (805) 596-4159
Fresno (559) 445-5355	Riverside (951) 782-4347	Santa Ana (714) 942-7576
Long Beach (424) 450-2565	Sacramento (916) 928-3158	Santa Barbara (805) 568-1295
Los Angeles (213) 576-7389	Salinas (831) 443-3058	Santa Rosa (707) 576-2452
Marina del Rey (310) 482-3820	San Bernardino (909) 383-4522	Stockton (209) 948-7980
Oakland (510) 622-2861	San Diego (619) 767-2082	Van Nuys (818) 901-5367