

National  
Employment  
Law Project

55 John St., 7th Floor  
New York, NY 10038  
(212) 285-3025  
(212) 285-3044 fax  
nelp@nelp.org  
www.nelp.org

October 2005

### WORKPLACE HEALTH AND SAFETY WHILE PERFORMING CLEANUP AND REBUILDING

Workers engaging in post-Katrina cleanup and rebuilding work are likely to face a wide range of hazards from exposure to toxic substances including asbestos, damaged electrical lines, unstable buildings, fire and heat and sun exposure.

Regardless of your immigration status, you have a right to safety on the job and to workers' compensation benefits if you are injured on the job.

#### NOTICE OF HAZARDS

**Your employer is required to provide you with notice of hazards you face on the job.**

If you are engaging in cleanup and rebuilding work and your employer does not warn you about hazards and how to avoid them, you should ask for this information. It is very important to be aware of the risks you face. You can also find information in English and Spanish at <http://www.osha.gov/OshDoc/hurricaneRecovery.html>.

#### SAFETY EQUIPMENT AND PROTECTIVE GEAR

**Your employer is responsible for providing you with required safety equipment and protective gear.**

Depending on the type of work you do and the hazards you face, your employer may be required to provide you with safety equipment and protective gear, such as boots, gloves, hard hats and respirators. You should not be required to pay for these or have their cost deducted from your wages. If you are required to pay for this gear and, as a result, you receive less than the minimum wage, you can file a claim for lost wages with the U.S. Department of Labor. 1-866-4US-WAGE (1-866-487-9243).

#### WORKERS COMPENSATION

**The Basics: If you get hurt or sick because of your job, you have the right to be compensated**

Workers' Compensation pays for medical treatment of work related injuries and illnesses. It may also provide cash benefits if your injury or illness prevents you from working. Death benefits are provided for surviving spouses and dependent children of workers who are killed on the job.

## ***Immigrant Eligibility***

In Alabama, Louisiana and Mississippi, both documented and undocumented workers should be eligible for benefits – you should not have to provide information about your status.

### **Who is covered by Workers' Compensation?**

Most full-time and part-time employees are eligible for Workers' Compensation. Even if your employer paid you in cash, paid you off the books, or treated you as an independent contractor you may still be eligible for Workers' Compensation benefits.

### **Workers' Compensation Benefits**

Workers' Compensation benefits include: compensation for medical care and treatment , wage loss benefits and death benefits. Benefits can continue even if you change jobs or lose health insurance.

### **Workers' Compensation is a "No-Fault" Benefit**

This means that eligibility for workers' compensation benefits does not depend on whether your injury was your employers' fault or your fault.

### **Workers' Compensation and Your Right to Sue**

Workers' compensation benefits are meant to provide benefits for on the job injuries without having to pursue your claim in court. In most cases, you will not be able to sue your employer but you have a right to file a workers' compensation claim for medical treatment and in some instances, cash benefits.

### **What Should I Do If I Am Injured On The Job?**

You must inform your employer that you were injured on the job and want to seek workers' compensation benefits as soon as possible. It is a good idea to do this in writing and keep a copy for your records. When you seek medical treatment, you should also inform the treating physician that you were injured on the job.