

# Asserting Your Workplace Rights

## Protect your rights in the workplace and get results.

Depending on the size of your employer, the state you live in, and your profession, you may be entitled to certain legal protections in the workplace, including:

- the right not to be discriminated against because of your race, national origin, skin color, gender, pregnancy, religious beliefs, disability, or age (and in some places, marital status, sexual orientation, gender identity, or other characteristics)
- the right to a workplace free of harassment
- the right to fair pay: to be paid at least the minimum wage, plus an overtime premium for any hours worked over forty in one week (or, in some places, over eight hours in one day)
- the right to a safe workplace
- the right to take leave to care for your own or a family member's serious health condition, or following the birth or adoption of a child, and
- the right to some privacy in personal matters.

Nolo's online articles on employee rights explain these rights in detail. However, once you have figured out that your legal rights may have been violated, what should you do about it? Here are several steps you can take to assert your legal rights.

## 1. Talk to Your Employer

In many cases, the first thing to do is talk to your employer. An intelligent discussion can resolve most wrongs, or at least get your differences out on the table. Most companies want to stay within the law and avoid legal tangles. Unless you work for a truly uncaring and antagonistic employer, chances are that your problem is the result of an oversight, a misunderstanding, or a lack of legal knowledge.

Here are a few tips on how to present your concerns to your employer:

- **Know your rights.** The more you know about your legal rights in the workplace, the more confident you will be in presenting your problem.
- **Stick to the facts.** Before meeting with your employer, write a brief summary of what has gone wrong and your recommendation for resolving the problem. It might help to have someone more objective, such as a friend or family member, review the facts and brainstorm with you about possible resolutions. Make sure not to leave any important facts out.
- **Don't be overly emotional.** Dealing with a workplace problem can be stressful, but unfounded accusations and emotional outbursts won't help you get your point across. Practice your presentation ahead of time to make sure you can remain professional and calm.
- **Decide the next steps.** Before finishing your discussion with your employer, come to some agreement about what will happen next. Will the company

investigate the problem? Will your boss talk to your coworkers or supervisor? Will evaluations, job responsibilities, or reporting relationships be changed?

- **Follow up with your employer.** Once you have spoken to your employer, make sure to follow up on the meeting. If your employer promised to investigate the matter or talk to other employees, check back to find out the status of those actions. After a few weeks have passed, schedule another meeting with your employer to discuss what progress has been made in resolving your problem.

## **2. Document the Problem**

In addition to talking things through with your employer, protect yourself by gathering documentation. Take notes of key conversations and events, including the time, date, and names of others who were present. Gather documents that might support your side of the story, such as company policies, offer letters, performance reviews, memoranda, emails and other correspondence, or employee handbooks.

Be careful, however, to collect only those documents you have legitimate access to. Taking or copying confidential documents -- even if they are related to your dispute -- could get you fired and could compromise your legal claims.

If your coworkers saw or heard any of the incidents that contributed to the problem (such as a verbal performance review, a harassing comment, or a search of your workspace), ask them to write down what they saw and heard in signed, dated statements.

## **3. Don't Miss Legal Deadlines**

If your employer doesn't seem to be taking your complaint seriously, or you are demoted or fired, consider whether to take legal action. The law sets deadlines (often called "statutes of limitations") for filing certain types of claims or lawsuits, ranging from several weeks to several years. If one of these deadlines applies to your case, you will have to think sooner rather than later about whether to go to court. You might want to consult with a lawyer about your problem to figure out how strong your claims are, whether any filing deadlines apply to your dispute, and what you might expect to gain or lose if you file a lawsuit.