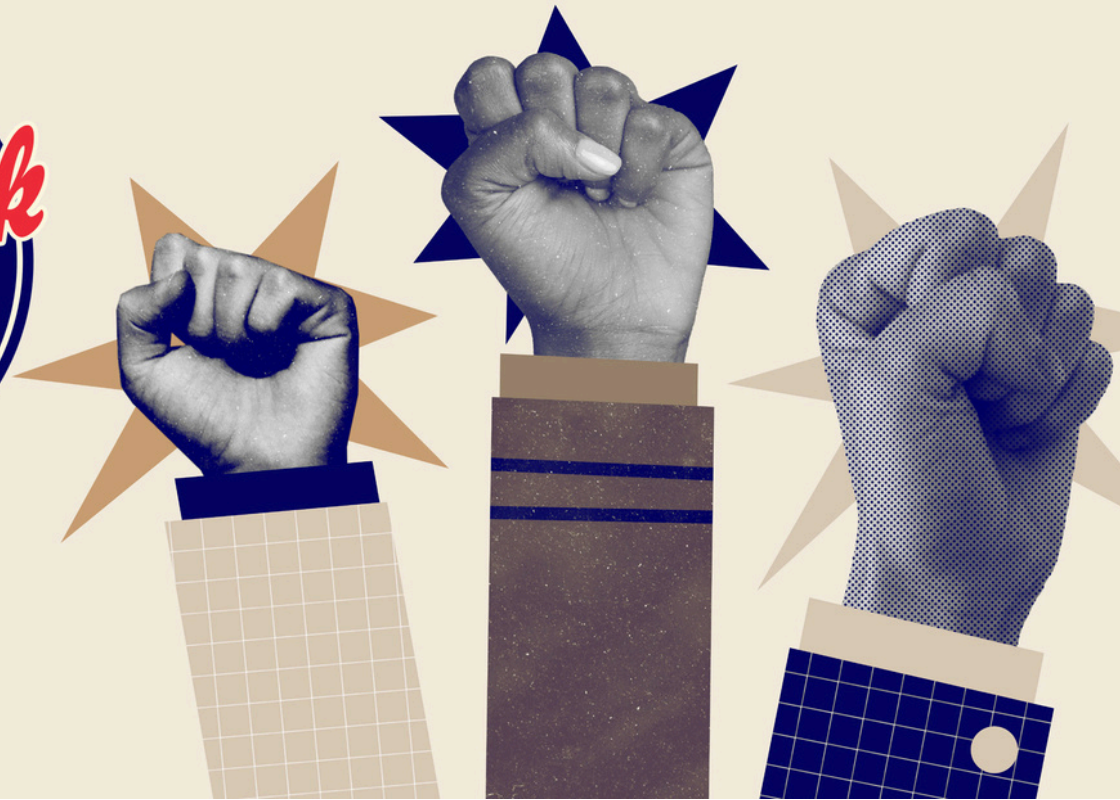




# Workers Rights & Responsibilities in an Authoritarian Era

**PLEASE NOTE: THIS IS NOT LEGAL ADVICE. YOU SHOULD CONSULT WITH YOUR CFT FIELD REP OR WITH A LAWYER IF YOU HAVE QUESTIONS ABOUT HOW LAWS MAY APPLY TO YOUR PARTICULAR SITUATION.**

## **Legal Framework for Student and Worker Rights**

All children in the US have a right to free and public education and schools may not disclose personal information to third parties, including federal immigration officials. California law provides all students – regardless of immigration status – the rights to safe, secure, and peaceful schools.

Schools do not collect information about immigration status of students or their families, unless required by law.

School officials are not required to comply with administrative warrants, and should require judicial warrants to obtain access to information, a student, or nonpublic areas of a school. The school official must report to their governing bodies any requests for information or access to school sites by law enforcement for the purpose of enforcing immigration laws.

California law requires higher education institutions including community colleges to require judicial warrants before granting immigration officers access to nonpublic areas.

In December 2024, California Attorney General Bonta issued updated guidance and model policies for schools, colleges and universities, and libraries when responding to immigration enforcement. The AG also has resources for employers and employees.

## Legal Framework for Student and Worker Rights Continued

See in particular:

- ➡ Plyler v. Doe, 457 U.S. 202 (1982)
- ➡ Family Education Rights and Privacy Act of 1974 (FERPA)
- ➡ California Constitution and the California Government and Education Codes (Ed Code 234.7, Ed Code 66093.3, Gov. Code 7284.6, Gov. Code 7284)
- ➡ AB 450, Immigrant Worker Protection Act (effective 1/1/18)
- ➡ Office of the Attorney General <https://oag.ca.gov/immigrant#resources>

## Risks and Obstacles to Enforcing Workers' Rights

Though our rights and the laws that uphold them remain in effect, today there are heightened risks for workers who assert their rights. The Trump administration is using federal laws in ways we have not seen before. As individuals consider how to protect and assert their legal rights, they should be aware of a changing risk landscape.

Some examples of charges for protesters in the past few months include: conspiracy, conspiracy to impede an officer, trespass (e.g., in federal property, buildings); obstruction of proceedings; impeding officers; harboring. There are also statutory penalties to be aware of. In some known cases, individuals have been charged when they are alleged to have told others about ICE presence.

## Exercising Our Rights and Protecting Students:

Unions can use the collective bargaining process to protect employees or strengthen existing legal protections. Local unions should review CBAs/MOUs regarding immigration issues. Consult with your CFT field rep if you have questions. Locals can bargain over Worksite Enforcement of laws. For example, negotiate over:

- Immediate notification to the Union upon notice from the government of an I-9 audit, inspection, or raid. NOTE: Cal Labor Code 90.2 already requires notification.
- Union Access rights to the worksite during an immigration worksite enforcement operation.
- Know Your Rights Presentations for Students, parents, faculty, staff.
- For the right to photograph and video on the employer's property during an immigration worksite raid.
- Designation and demarcation of private v. public areas of workplace or operation.
- Drills for faculty, staff, students, and community members in the event of immigration enforcement on or near campus.
- Agreement not to let government agents enter employer's property without a proper judicial warrant. (Private Sector)
- Protocol for Presence of immigration enforcement action on campus that mirrors AG Model Policies. (Private Sector)
- Use of employee leave for immigration related appointments

### **If you do encounter immigration enforcement:**

These are some reminders of the best practices for when you have an encounter with ICE or other immigration agents.

- Do:
  - Remain calm.
  - De-escalate when possible.
  - Inform others of their rights .
  - Assume that texts/emails/chat messages could be used by the government as evidence.
  - Remember role of documenting gathering evidence when possible and safe to do so.
- Do Not:
  - Interfere, assault or even touch officers.
  - Give legal advice.
  - Advise workers to do anything illegal, such as use false documents or interfere with officers.
  - Engage in violence.

### **Collecting evidence during an encounter with immigration enforcement:**

It can be extremely helpful to document encounters and there are important things to remember when you are doing this. You do have the right to record and document – but you should take precautions and consider the risks of taking on this role. Remember:

- Maintain Safe Distance from Officers.
- DO NOT interfere with officers' activity.
- Narrate/Note details of the scene: location, any statements made, number of agents, agency, badge numbers, car plates, agent physical descriptions.
- Note any use of force or constitutional violations for legal proceedings.
- You Have a Right to video record.
- Comply with agent instructions (Ex. if Agent tells you to move back, comply and document your movement).
- Post the video on social media, only with the consent of parties involved.

Find additional resources, including Know Your Rights cards, Tips for Staying Safe at Protests, Checklists for families, and more – [www.CFTfightback.org](http://www.CFTfightback.org)

CFT is offering ongoing workshops and training on a range of topics. We do this to fight back against the chaos of the Trump administration and fight forward by building a movement with members, students, other workers, and our communities to reclaim our country and build a better future for all.

Source: WEINBERG ROGER & ROSENFELD  
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