

General Labor Jobs: Succeeding and Protecting Yourself

About 2 in 3 HD 99ers in the workforce work in service, construction, manufacturing, or other general labor industries. Here are some tips from an experienced recruiter, for getting and keeping jobs in these industries – and moving up. Also included is information on your workplace rights in these industries.

TIPS FROM A RECRUITER

Don't JUST tell a potential employer that you know how to do a specific task. Be prepared to give an EXAMPLE of when, where, and how you've done that task.

During an interview or when you start a job, you will most likely be asked if you've ever done "X" task. It's not helpful to us when you just say "yes" – which a lot of people do. Instead, give details. For example, if you're asked whether you've operated a forklift, tell them for which companies and when; what types of forklifts you've operated; what certifications you have; what materials you moved; etc.

SHOW UP when you SAY YOU WILL show up.

A not insignificant number of people have told me they really want a job...but then either don't show up to work (or even to the interview) or show up late, and give transparently false excuses. The people who show up when they say they will already set themselves apart!

Be willing to LISTEN and learn from the beginning – EVEN if you've done the same job before.

You're an adult, so you may think you know how to do a job inside and outside, and not want to be bothered with too much instruction. But especially in these industries, there are very specific procedures you must follow – often for safety purposes – that differ from employer to employer. So demonstrate that you're willing to listen to what you're being told. And if you don't understand something despite your best efforts, be willing to ask questions.

Challenge yourself to meet your quotas more EFFICIENTLY or to assume NEW responsibilities.

Once you've gotten a handle of the basics of your job, supervisors tend to be impressed by people finding ways to be more efficient (within the correct procedures) and even expressing their willingness to learn new tasks. If you're interested in going from a temporary to a permanent position, or in moving up in your company, this is something your supervisors will remember.

But always keep your SAFETY in mind. And always know – and EXPRESS – your hard LIMITS.

Your safety and health are irreplaceable. And while it's good to try to become better at your job, it should never become dangerous to you. Always know and stick to safety procedures – and if you're concerned about your or someone else's safety, speak up! In addition, if you know of any physical or other limitations that would impact your ability to perform a duty, employers would much prefer you tell them in advance, than either of you finding out the hard way. Employers like people who are safety-conscious, if nothing else because injuries are also costly to them.

KNOW YOUR RIGHTS

(Disclaimer: this is not legal advice. Consult an attorney.)

Know (and keep copies of) your employment "contract."

The relationship between an employer and employee is governed by contract. In some cases – like if you're part of a union – there will be a written contract that lays out the terms. In other cases, your offer letter, or the employer's policy manual, may define the terms of the contractual relationship (although not everything in a manual may be considered as part of the "contract"). In any case, you should know, understand, and keep copies of these documents. Note: unless a contract says otherwise, most workers in America are "at-will" employees and can be demoted or terminated without "just cause," although employers are also prohibited from engaging in such adverse action for certain discriminatory reasons (see below).

For the most part, if your contract doesn't provide for certain benefits or leave, you're not entitled to it.

While certain employers are required to provide certain types of benefits by law, for the most part in general labor industries, if your contract doesn't include certain benefits, you don't have them. That includes vacations, sick or family leave, health insurance, etc. Under the Family and Medical Leave Act, you may be entitled to up to 12 weeks of unpaid family leave ONLY if you're a full-time employee who's worked a certain number of hours for certain employers with more than 50 employees. (Under the Affordable Care Act, generally the same type of employers also have to provide health insurance to full-time employees – but they also have the option of just paying a penalty.)

Employees do have some wage protections.

Hourly employees are protected by the Fair Labor Standards Act, which mandates a minimum wage currently set at \$7.25. (However, there are some exceptions, like tipped employees, in which case the Georgia minimum wage of \$5.15 generally applies.) The FLSA also requires most employers to pay overtime for all hours worked beyond 40 hours in a week. Generally, you have a right to get paid for hours you actually worked. Note: the Equal Pay Act also ensures that employers governed by the FLSA must pay the same wages to employees performing the "same or substantially similar" work, regardless of sex or gender.

Employees injured on the job are also generally entitled to workers' compensation (in addition to a safe work environment).

Georgia law also requires most employers to provide for workers' compensation insurance, which cover employees injured on the job, even if they are later fired (unless the injuries are caused by their own willful misconduct). However, you must comply with procedures for receiving compensation, so should check what those procedures are. Federal (e.g., OSHA) and

General Labor Jobs: Succeeding and Protecting Yourself

Georgia law also require that employers comply with certain guidelines to maintain a safe work environment. While these laws don't provide a right for employees to bring legal action, they do provide mechanisms for them to report suspected violations, and protect an employee's right to tell their physicians about exposure to hazardous chemicals.

Employees are also protected from certain types of discrimination.

Employees are also protected, primarily under federal law, against certain types of adverse employment action – termination, demotion, harassment (including sexual), etc. – on certain bases, including race, color, national origin, religion, sex, pregnancy, age (over 40), disabilities, military service, or genetic information. They are similarly protected from retaliation for reporting suspected discrimination. (Persons with disabilities are also entitled to “reasonable accommodations” in their jobs, as are persons invoking religion, although generally those accommodations are not required if the employer can show even a minimal (or “de minimis”) burden.) Anti-discrimination law is often changing, however, and so employees should always consult an attorney, as well as Equal Employment Opportunity Commission guidelines.

Undocumented workers also have certain rights (though, like any person, must weigh whether/how they want their rights enforced.)

Undocumented workers are protected by federal laws prohibiting against discrimination on the basis of race, national origin, religion, sex, age over 40, or disability. They are also entitled to wages they earned, as well as workers' compensation. While employers can fire or refuse to hire someone who is not authorized to work in the US, they cannot legally use that as a cover-up reason to fire someone who asserts their legal rights. However, undocumented workers always face a risk that employers will illegally report their status to ICE if the worker asserts their rights. So they should always seek legal advice.

Employers can't discriminate against you for joining a union – but you also can't be required to join a union in Georgia.

The federal Labor-Management Relations Act (or Taft-Hartley), which governs private companies (but not public employers like states or cities), prohibits employers from discriminating against employees who've joined a union. However, under Georgia law, employers and unions can't have an agreement requiring employees to join/pay dues to the union.