EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

The Fair Labor Standards Act (FLSA) is a federal law that establishes minimum wage, overtime pay, and child labor standards for employees who are not exempt. It applies to employers engaged in commerce or producing goods for commerce, and to states and political subdivisions of those states. The FLSA also applies to employers of employees engaged in interstate or foreign commerce.

**Minimum Wage**
- Effective January 1, 2023, the federal minimum wage is $7.25 per hour.
- The federal minimum wage applies to most employees, but there are exemptions for certain tipped employees, seasonal workers, and others.
- Employers must pay tipped employees a cash wage of at least $2.13 per hour and ensure that the total cash wage plus the tip credits equals or exceeds the federal minimum wage.

**Overtime Pay**
- Most workers are entitled to overtime pay at a rate of 1.5 times their regular rate of pay after working more than 40 hours in a workweek.
- Overtime must be paid for all hours worked over 40 in a workweek.
- The "white collar" exemption applies to certain executive, administrative, professional, and computer professionals.

**Child Labor**
- The FLSA prohibits the employment of children under the age of 16 in certain industries and occupations.
- The child labor provisions apply to employees under the age of 18.

**Discrimination**
- The FLSA prohibits discrimination in employment on the basis of race, color, religion, sex, national origin, age (40 or older), or disability.

**State Minimum Wage**
- Delaware minimum wage: $7.52 per hour as of January 1, 2023.

**Federal Minimum Wage Poster**
- Employers are required to display the federal minimum wage poster in a conspicuous place where employees can see it.

**Overtime Pay**
- Employers must pay overtime to eligible employees who work more than 40 hours in a workweek at a rate of 1.5 times their regular rate of pay.
- Overtime pay must be paid for all hours worked over 40 in a workweek.

**Discrimination**
- The FLSA prohibits discrimination in employment on the basis of race, color, religion, sex, national origin, age (40 or older), or disability.

**Retaliation**
- Employers cannot discriminate against employees who exercise their rights under the FLSA, such as filing a complaint or providing information to the Department of Labor.

**Important Things to Do in Case of Injury**
- If you are injured on the job, you should immediately notify your employer in writing of the accident or occupational disease and request medical services.
- Failure to give immediate notice may result in the loss of your right to receive compensation.

**FEPA - THE OCCUPATIONAL SAFETY AND HEALTH ACT**
- OSHA requires employers to provide a workplace that is free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees.
- Employers must also provide training and information to workers on the hazards and controls associated with their jobs.

**OSHA - THE OCCUPATIONAL SAFETY AND HEALTH ACT**
- OSHA is the federal agency responsible for enforcing the Occupational Safety and Health Act of 1970 (OSHA).
- OSHA ensures that employers comply with the safety and health provisions of the act by inspecting workplaces, investigating complaints, and providing consultation.
- Employers must keep accurate records of employee exposure to hazardous substances and must provide employees with information on the hazards of their work.

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- Employers must provide a workplace free from recognized hazards. It is illegal to retaliate against employees for bringing to attention any violation of the law, bringing to light any condition hazardous to their health or safety, filing a complaint under the law, or otherwise opposing any practice made unlawful under the law.