



Know-Your-Rights: Resource for Workers Impacted by Wildfires in Los Angeles Area

Our hearts are with those impacted by the wildfires in the Los Angeles area. The ongoing devastation has touched folks from all walks of life who will need support to care for themselves and their loved ones. WorkLife Law's team is here to provide free legal support to pregnant people, parents, and family caregivers with concerns about their rights and safety at work.

If you are pregnant, parenting, or providing care to a loved one, **you have rights in your workplace:**

Employers in California are [required to take steps to protect workers from wildfire smoke](#).

If the air is "unhealthy" (meaning an Air Quality Index "[AQI](#)" level of 151 or more) [employers must:](#)

- 1) monitor the air quality;
- 2) [reduce employee exposure](#) (such as by providing enclosed spaces where air is filtered, changing job duties, reducing work intensity, providing additional rest breaks, or moving work to a location with healthy air, if feasible); and,
- 3) provide respiratory protection equipment (like N95 respirators), and training on how to use the respirator and the health impacts of wildfire smoke. Employers must provide respirators (masks) that are N95 quality or above; cloth masks or blue "surgical" masks do not meet this protection requirement.

You can learn more about smoke exposure in the workplace [here](#).

You have the right to refuse unsafe work.

All California workers have the [right to refuse to perform work](#) that they know or believe is against a worker health and safety rule *and also* would create a "real and apparent hazard" to themselves or their coworkers. For example, you typically would have a right to refuse work in an evacuation zone. It is illegal for an employer to retaliate against workers for refusing to work in unsafe conditions, [including those caused by wildfires](#).

Any worker, regardless of immigration status, can contact Cal/OSHA if they believe their workplace is not safe. *You can contact Cal/OSHA at 833-579-0927.*

You have the right to changes at work to protect your health and wellbeing.

If you work for an employer with 5 or more employees, you have a right to receive changes to how, where, or when your job is done to protect your health and wellbeing when you are impacted by pregnancy, childbirth, and related conditions under a law called the California Fair Employment and Housing Act (FEHA). You also have rights to changes under the national Pregnant Workers Fairness Act (PWFA) if your employer has 15 or more employees. This includes changes you need for pregnancy symptoms and pregnancy complications, pregnancy loss or abortion, and lactation (breast/chestfeeding).



Examples of common accommodations for pregnancy and related conditions include:

- Changes to job duties or changes needed to avoid smoke exposure or limit physical exertion
- Working virtually
- Extra breaks for rest, snacks, water, and restroom use
- Permission to drink water more often while at work
- Any other solution you and your employer can find that meets your health needs without being very difficult or expensive for your employer. Our [Guide to Pregnancy Accommodations](#) has ideas that may work for you.

To learn how to ask for the changes you need, visit our guide “[Talking to Your Boss About Your Bump](#).”

You may be able to use paid sick days.

Most California workers have the right to at least 5 paid sick days per year. You can use your paid sick days for yourself or a family member, for preventive care, diagnosis, care or treatment for an existing health condition. Agricultural workers who work outside can use paid sick days to avoid smoke or when the worksite is closed due to smoke. [Read more about paid sick days here.](#)

You may be able to take paid time off to protect your health or the health of your pregnancy.

If you are pregnant or postpartum, and doing your regular work would put your health or your pregnancy at risk, you may:

- (1) take job-protected time off work under the [Pregnancy Disability Leave Law](#) both during and after pregnancy, and
- (2) apply for wage replacement through the [State Disability Insurance \(SDI\)](#) program.

Your [healthcare provider](#) can put you on leave, and certify your SDI claim, at any point in pregnancy if in their opinion it is not safe for you to do your regular work (for example, working outdoors in an agricultural field when air quality is poor or among ash or other debris from a fire). You may also take leave and receive SDI if you are postpartum and doing your regular work would be unsafe (such as due to increased risk of cardiovascular issues).

You can apply for and receive SDI regardless of immigration status.

Healthcare providers may access guidance on SDI for pregnant and postpartum farmworkers [here](#).

You may be able to take paid time off to provide care for a family member.

If you need to take time off to care for a family member who is sick or hurt due to the wildfires, you may be able to:

- (1) request [caregiving leave](#) from your employer, and
- (2) apply for wage replacement through the [Paid Family Leave \(PFL\)](#) program.

You can apply for and receive PFL regardless of immigration status.



You may be able to take unpaid time off if your childcare is unavailable.

If you work for an employer with 25 or more employees at the same location, you have the right to take up to 40 hours of unpaid time off work per year [to address a childcare or school emergency](#) (i.e. the child cannot remain at school or with their licensed childcare provider due to a natural disaster). It would be illegal to penalize you for using this time off. Eligible caregivers include a parent, guardian, stepparent, foster parent, grandparent, or someone standing in loco parentis to a child.

You may be able to access unemployment insurance.

If you are out of work (or working less) due to the wildfires, you may be eligible to receive [Unemployment Insurance benefits](#). Unemployment insurance benefits are not available for undocumented workers.

The one-week waiting period for unemployment insurance benefits [has been waived](#) for eligible individuals affected by the current wildfires. [See here for details](#).

[See here](#) for information on disaster-related services, such as Disaster Unemployment Assistance.

Additional Resources

To find aid, such as food and shelter, [check out this resource library](#) compiled by the [Mutual Aid Los Angeles Network](#).

For information on disaster assistance, see:

- [California Department of Social Services Guide to Disaster Assistance Services for Californians](#)
- [California Department of Social Services Guide to Disaster Assistance Services for Immigrant Californians](#) (ESPAÑOL: [Guía de Servicios de Asistencia en Caso de Desastres para Californianos Inmigrantes](#))

Have Questions? Need Help?

WorkLife Law's attorneys can support you in accessing time off, accommodations, paid leave, and a safe work environment.

Contact our free legal helpline at hotline@worklifelaw.org or 415-703-8276.

Farmworkers in California may reach our dedicated free legal helpline at daraluz@worklifelaw.org or 415-581-8888. Help is available in multiple languages including Spanish and Mixteco.