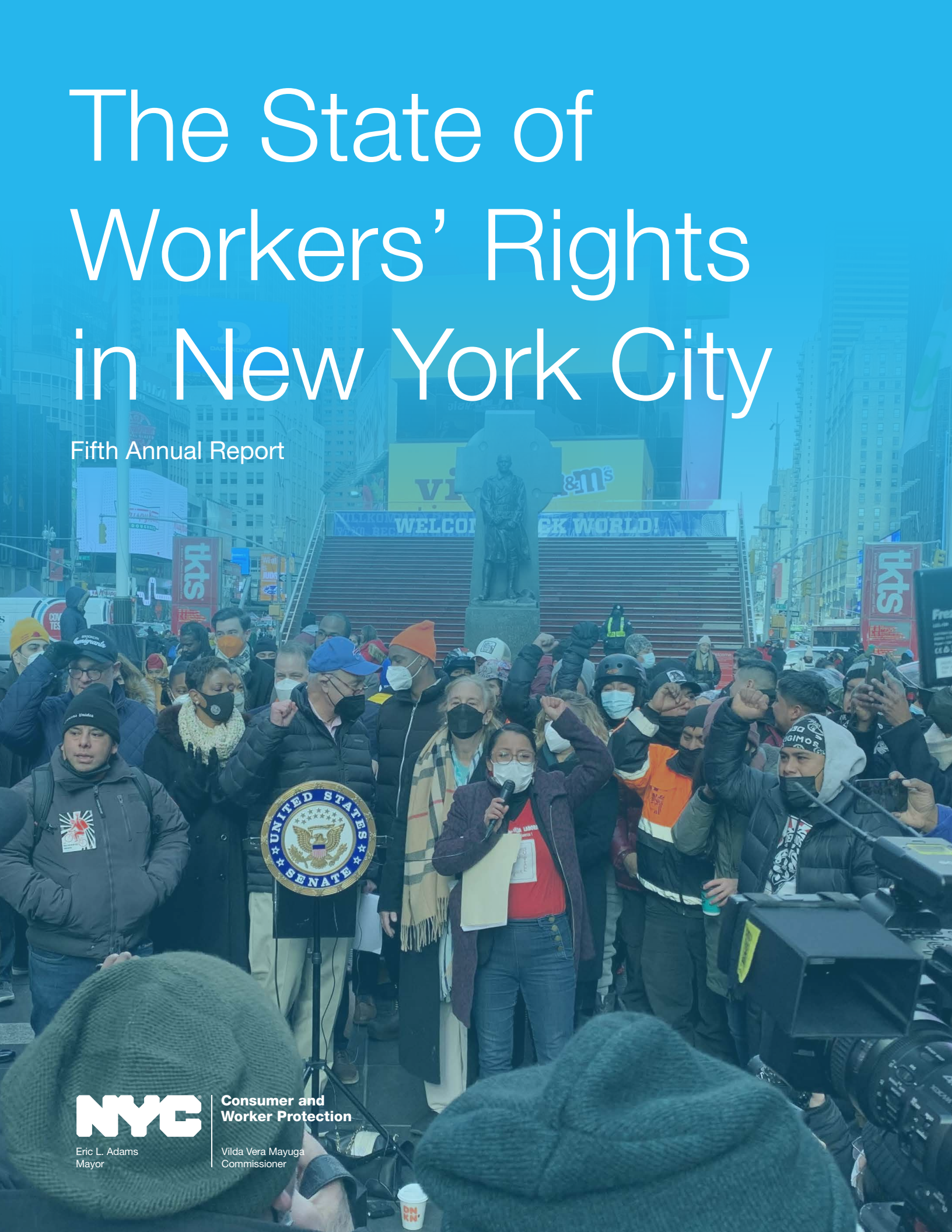


# The State of Workers' Rights in New York City

Fifth Annual Report



**NYC**

Eric L. Adams  
Mayor

**Consumer and  
Worker Protection**

Vilda Vera Mayuga  
Commissioner

The State of Workers' Rights in New York City  
Fifth Annual Report

Eric L. Adams  
Mayor

Vilda Vera Mayuga  
Commissioner

© September 2022. New York City Department of Consumer and Worker Protection.  
All rights reserved.

## Acknowledgments

The Department of Consumer and Worker Protection (DCWP) acknowledges current and former staff who contributed to this report: Zayne Abdessalam, Niki Culma, Debra Halpin, Claudia Henriquez, Ben Holt, James Hurst, Sam Krinsky, Abigail Lootens, Bryan Menegazzo, Tanjila Rahman, Peggy Tam, and Elizabeth Wagoner.

# Table of Contents

Message from Commissioner Vilda Vera Mayuga	5
Ongoing DCWP Response to COVID-19	6
New Policies and Advocacy to Strengthen Workers' Rights	10
Enforcement of NYC's Worker Protection Laws	14
Education and Outreach to Inform and Empower	18
Appendices	
Worker Protection Metrics at DCWP	22
Overview of DCWP's Worker Protection Laws	29
Paid Care Division	32



## Message from Commissioner Vilda Vera Mayuga

This report is an important look back at the Agency's work in 2021 as COVID-19 continued to impact the workplace and the economy.

Workers who never stopped providing essential services throughout the pandemic needed essential worker protections, and the Agency had their backs.

City policies to ensure safe reopenings, including vaccine requirements at key venues, needed enforcement support, and the Agency answered the call.

Significant legislation to expand paid safe and sick leave, prohibit wrongful discharge in the fast food industry, and codify rights and protections for food delivery workers took effect, and the Agency took action.

Our activities and results fill the pages that follow.

As a City and as an Agency, we are ever looking forward, and I am excited to lead the Department of Consumer and Worker Protection (DCWP) as we continue protecting workers' rights.

In March, Mayor Eric Adams released "Rebuild, Renew, Reinvent: A Blueprint for New York City's Economic Recovery." DCWP's efforts align with the plan and ensure the city's economic recovery is not only strong but equitable while promoting quality jobs for working New Yorkers.

Without question, workers need meaningful and accessible workplace protections, and DCWP will continue to use all of our available tools and resources to help working New Yorkers achieve an equitable recovery and workplace justice.



Vilda Vera Mayuga  
Commissioner



# Ongoing DCWP Response to COVID-19

In year two of the pandemic, DCWP continued to enforce one of the most important public health policies to fight the spread of COVID-19: paid sick leave. In addition to prioritizing quick resolution of COVID-19-related sick leave complaints, DCWP continuously updated paid sick leave guidance, launched a public awareness campaign, and worked with the administration to expand NYC's Paid Safe and Sick Leave Law to give workers additional leave to take their children to get the COVID-19 vaccine. DCWP staff additionally supported City efforts to educate the public about vaccine policies and mandates and to enforce workplace compliance.

## Real-Time Assistance and Referrals to Workers

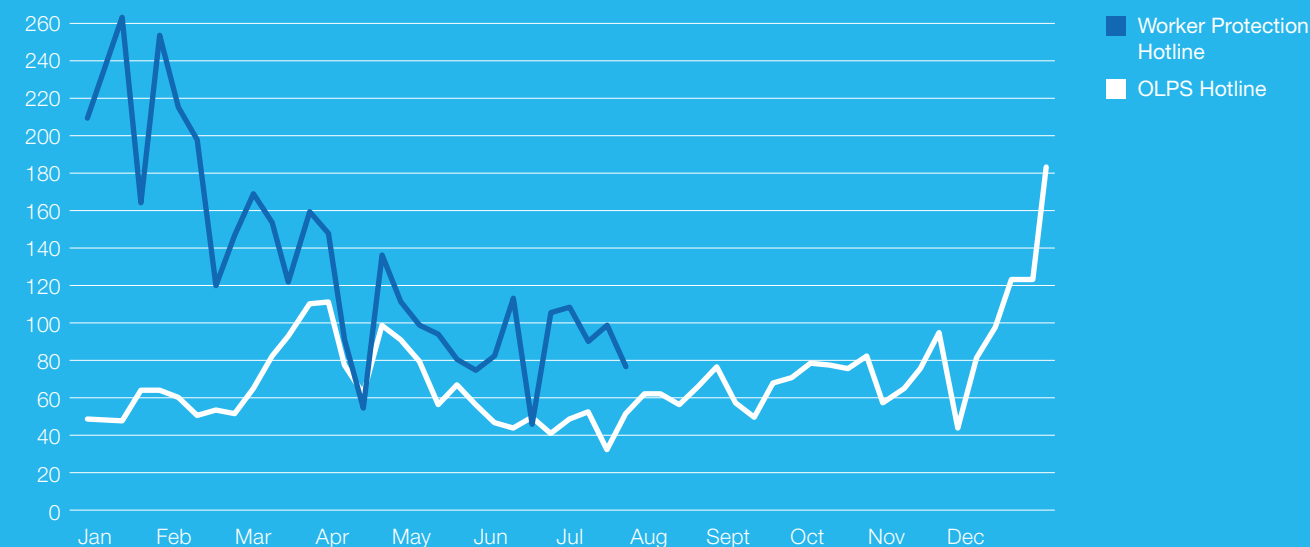
In 2021, DCWP continued to operate two hotlines to help workers:

1. **Worker Protection Hotline**—DCWP launched this hotline in 2020 to educate workers about reopening health and safety requirements, answer workers' return-to-work questions, and help workers file COVID-19 worker safety complaints. This hotline was wound down at the end of the year as COVID restrictions eased.
2. **OLPS Hotline**—This hotline remains the primary touchpoint for workers to ask questions about the labor laws DCWP enforces or to file complaints.

DCWP connected workers with information and referrals on critical state laws, such as emergency COVID-19 sick leave for workers isolating or quarantining due to COVID-19; wage and hour rights; and unemployment insurance benefits.

- Hotline calls were most commonly about sick leave and health and safety.
- DCWP referred nearly 750 workers to the New York State Department of Labor for further assistance.

### Weekly Contacts on DCWP Hotlines

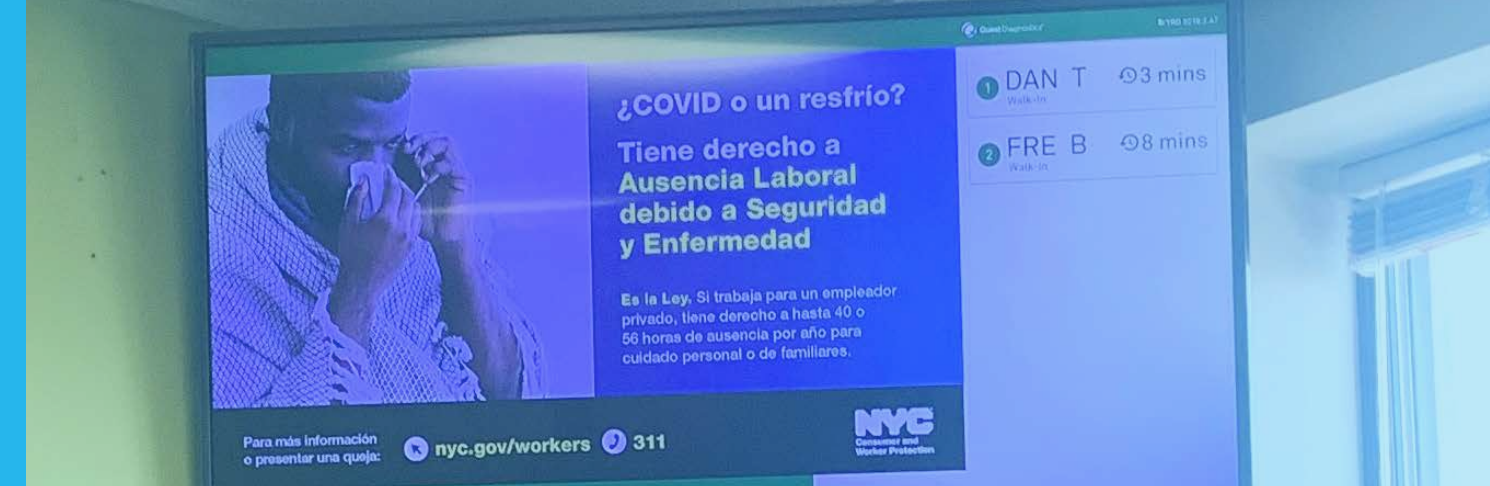


Contacts include email and phone, 2021. DCWP discontinued the Worker Protection Hotline (launched in 2020 in response to COVID-19) after July 2021.

### Topics Addressed by DCWP Hotlines



Phone and email contacts to the OLPS Hotline and Worker Protection Hotline, 2021. Excludes contacts where no topic was recorded.



## Targeted multilingual Paid Safe and Sick Leave advertising

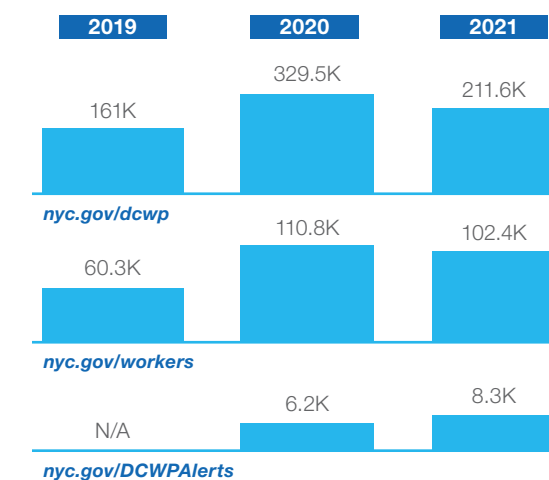
- DCWP and NYC Test & Treat Corps developed *COVID-19 and Paid Sick Leave*, a plain language overview of federal, state, and City laws that the City translated to 13 languages.

### Paid Safe and Sick Leave Public Awareness Campaign

DCWP launched a new advertising campaign about NYC's Paid Safe and Sick Leave Law to raise awareness about new rights that took effect in 2021, among them an increase in the minimum amount of leave to 56 hours for many employees and equal protections for domestic workers. DCWP targeted the multilingual campaign to neighborhoods with a high incidence of sick leave complaints.

- Phase 1 launched May 2021 and included advertising in physician offices, pharmacies, and other points of care; on city bus shelters and LinkNYC kiosks; and online.
- Phase 2 launched November 2021, during flu season and amid ongoing efforts to increase COVID vaccination rates in New York City, and included digital, newspaper, and radio advertising, as well as a direct email campaign to target industries.

### Web Visits on DCWP Webpages



### Outreach at COVID-19 Testing and Vaccination Sites

DCWP partnered with NYC Test & Treat Corps (formerly NYC Test & Trace Corps) and NYC Department of Health and Mental Hygiene to share worker rights resources at testing locations and vaccination sites citywide between May and August 2021.

- DCWP targeted education and outreach in 16 communities with high COVID-19 death rates and a high incidence of sick leave complaints.

### Enforcement of Health and Safety Requirements

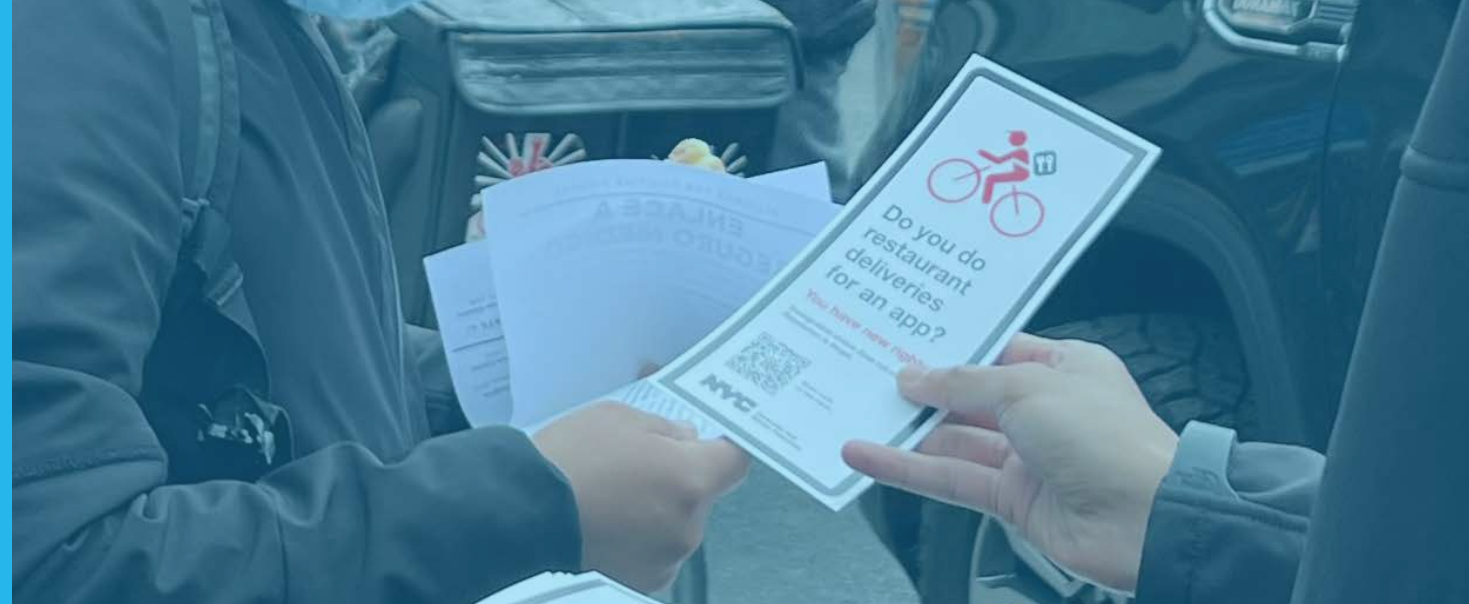
DCWP continued to participate in a multiagency effort within City government to enforce worker safety and vaccination requirements, conducting on-site inspections in response to complaints. DCWP prioritized education to help businesses come into compliance in reopening their workplaces and checking the vaccination status of their customers.

- DCWP participated in approximately 11,000 inspections for health and safety compliance in 2021.



# New Policies and Advocacy to Strengthen Workers' Rights

The need to create and expand upon strong labor protections has only increased during the pandemic. Whether in the face of new industry growth or responding to workers' new needs, DCWP played a crucial role in multiple groundbreaking local labor laws.



## New protections for food delivery workers

### Delivery Worker Legislation Passed

In fall 2021, the City of New York passed legislation to regulate the online third-party food delivery service industry, giving workers who do restaurant deliveries for an app new and important protections, including:

- More information about pay, including how much the customer tips for each delivery and total pay and tips for the previous day, with some exceptions
- Better access to restaurant bathrooms when workers pick up orders, with some exceptions
- More control over delivery routes
- Advance notice of delivery details before workers accept a trip
- Payment at least once a week
- Free insulated food delivery bag after six deliveries
- Minimum pay rate set by DCWP (effective January 1, 2023)

### NYC's Fair Workweek Law Upheld

In April 2021, the Appellate Division of the New York Supreme Court, First Department, upheld NYC's Fair Workweek Law, providing a victory for fast food

and retail workers across the city. The court found that the City of New York has broad authority to regulate private sector work relationships and rejected the argument that NYC's Fair Workweek Law conflicted with New York State Labor Law.

### Implementation of "Just Cause" Legislation

Enacted in January 2021 and effective as of July 4, 2021, "Just Cause" legislation guarantees fast food workers protection from being fired or having their hours reduced without just cause or a bona fide economic reason. Under the law, fast food employers must give workers who passed probation retraining and an opportunity to improve, and can only fire underperforming workers after following the progressive discipline policy that had been communicated to workers. Also, layoffs for economic reasons must be in reverse order of seniority, with longest-serving workers laid off last.

Throughout the year, DCWP took steps to ensure employer compliance, including:

- issuing rules, effective as of June 24, 2022, to clarify and implement the law;
- posting an updated notice of NYC fast food workers' rights and Frequently Asked Questions;
- developing and distributing employer tools, among them *Progressive Discipline Policies: What Fast Food Employers Need to Know* and templates to provide workers with required notice of layoff, termination, or hours reduction for just cause or economic reasons.

See the sections *Enforcement of NYC's Worker Protection Laws* and *Education and Outreach to Inform and Empower* for additional actions.

### Expansion of Paid Safe and Sick Leave

In late 2021, DCWP worked with other stakeholders to amend NYC's Paid Safe and Sick Leave Law to give workers additional dedicated leave to get their children vaccinated, removing any undue barriers. The changes went into effect immediately and provided another boost to the City's vaccination efforts.

### Expansion of Fair Workweek Law to Cover Utility Safety Employees

Enacted in July 2021 and effective as of January 14, 2022, utility safety employees in New York City have a right to predictable work schedules, joining fast food and retail workers. Utility safety employees locate and mark underground facilities, such as those that provide electricity, gas, and water, or inspect gas pipe fusions and joints. Utility safety employers must post at the workplace and provide to workers a written work schedule at least 72 hours before the first shift on the schedule.

### Workplace Rights and Safety in Immigration Enforcement

DCWP joined a coalition of attorneys general—as well as several local agencies across the country—in a letter in support of the U.S. Department of Homeland Security's (DHS) plan to change its worksite enforcement practices to support enforcement of wage protections, workplace safety, labor rights, and other employment laws and standards. The letter offered recommendations on how DHS might support local and state labor enforcement to protect the rights of all workers regardless of immigration status.

## New "Just Cause" protections for fast food workers





Credit: Ed Reed/Mayoral Photography Office

# Enforcement of NYC's Worker Protection Laws

Despite and especially during the ongoing pandemic, DCWP enforcement of worker rights—fast food workers' right to a predictable schedule, covered workers' right to safe and sick leave, freelancers' right to written contracts, timely payment, and freedom from retaliation—was a critical support for workers who needed economic and job security in 2021.



### Fair Workweek Law in Fast Food

DCWP secured \$622,722—an increase of 63 percent compared to 2020—for fast food workers whose employers violated the law’s scheduling protections. Relief compensated workers whose employers failed to:

- provide work schedules 14 days in advance;
- give workers the opportunity to decline to work additional hours or clopening shifts;
- pay the required premiums for schedule changes or clopening shifts; and
- offer available shifts to current workers before hiring new workers.

In December, DCWP secured a settlement with a Subway franchisee for illegally firing two employees in the first case under the law’s groundbreaking “just cause” provisions that make it illegal for fast food employers to fire or lay off workers, or reduce their hours by more than 15 percent, without just cause or a legitimate economic reason. The employees, who had no previous disciplinary action on file, were fired without progressive discipline or a written explanation after they unexpectedly had to miss a single scheduled shift. Under the settlement, Subway agreed to:

- pay each former worker \$2,200 in restitution (neither wanted to be rehired because they had found new jobs) and \$1,600 in civil penalties to the City;
- implement new policies that comply with the law;

- distribute a new progressive discipline policy to its employees;
- train its supervisors and managers; and
- comply with the law’s just cause provisions going forward.

### Paid Safe and Sick Leave Law

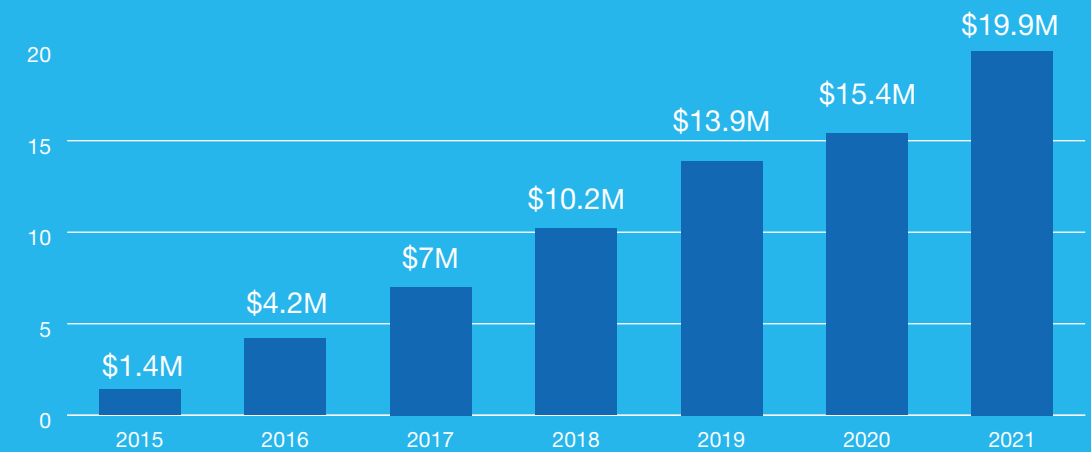
DCWP secured significant settlements in a large-scale enforcement initiative in the home care industry, as well as the airline industry for failing to comply with NYC’s Paid Safe and Sick Leave Law. Highlights:

- In September, Aides at Home Inc. agreed to pay \$140,000 in restitution to 223 home health aides for failing to allow employees to use accrued paid leave, among other violations.
- In November, DCWP and the New York State Attorney General’s Office secured a settlement totaling up to \$18.8 million with InterGen Health, LLC and Amazing Home Care Services, LLC after a joint investigation revealed violations of NYC’s Paid Safe and Sick Leave Law, wage and hour requirements, and other workplace standards. Of the total settlement amount, DCWP secured \$2,032,500 to resolve Paid Safe and Sick Leave violations. Specifically, DCWP found that InterGen and Amazing:
  - failed to pay employees when they used leave;
  - disciplined and/or fired employees who used unscheduled leave;
  - required employees to submit documentation for leave that was less than three days; and
  - failed to provide a written safe and sick leave policy.

Over **\$622K** in relief for NYC fast food workers



Cumulative Worker Protection Restitution and Penalties (\$, in millions)



Note: This chart shows restitution and penalties resulting from DCWP enforcement. As the Agency mandate grew, restitution for workers grew.

Cumulative worker protection restitution and penalties reached nearly **\$20 million**

In addition to restitution, the settlement requires InterGen and Amazing to implement new policies and manager trainings that comply with NYC’s Paid Safe and Sick Leave Law and DCWP oversight requirements.

- In October, DCWP settled a case with Southwest Airlines to rehire a member of the ground crew who was unlawfully fired for using sick leave. Under the agreement, Southwest must pay the worker \$15,903 in back pay and restitution.
- In November, American Airlines agreed to drop a federal lawsuit arguing that NYC’s Paid Safe and Sick Leave Law did not apply to airport workers. As part of the settlement, the airline also compensated workers whose rights were violated and paid \$220,000 to 598 ground crew workers. Finally, the airline agreed to comply with the law going forward by updating its safe and sick leave policy, which has improved access to sick pay for thousands of workers, including ground crew workers, management and support staff, fleet service and mechanical employees, and passenger service employees.

### Freelance Isn’t Free Law

In December, DCWP worked with the NYC Law Department on a first-of-its-kind lawsuit against L’Officiel USA, the American subsidiary of a French-owned global media company that operates several print and digital

magazines, alleging that L’Officiel engaged in a pattern and practice of failing to pay freelance workers on time or at all. This was the City’s first case under the “pattern and practice” provisions of the Freelance Isn’t Free Act. Since May 2017, when the law went into effect, DCWP received more than 20 complaints from freelancers about L’Officiel. In addition to pay complaints, freelancers reported that L’Officiel failed to provide a written contract and retaliated against freelancers for exercising their rights. The City’s lawsuit demands that L’Officiel:

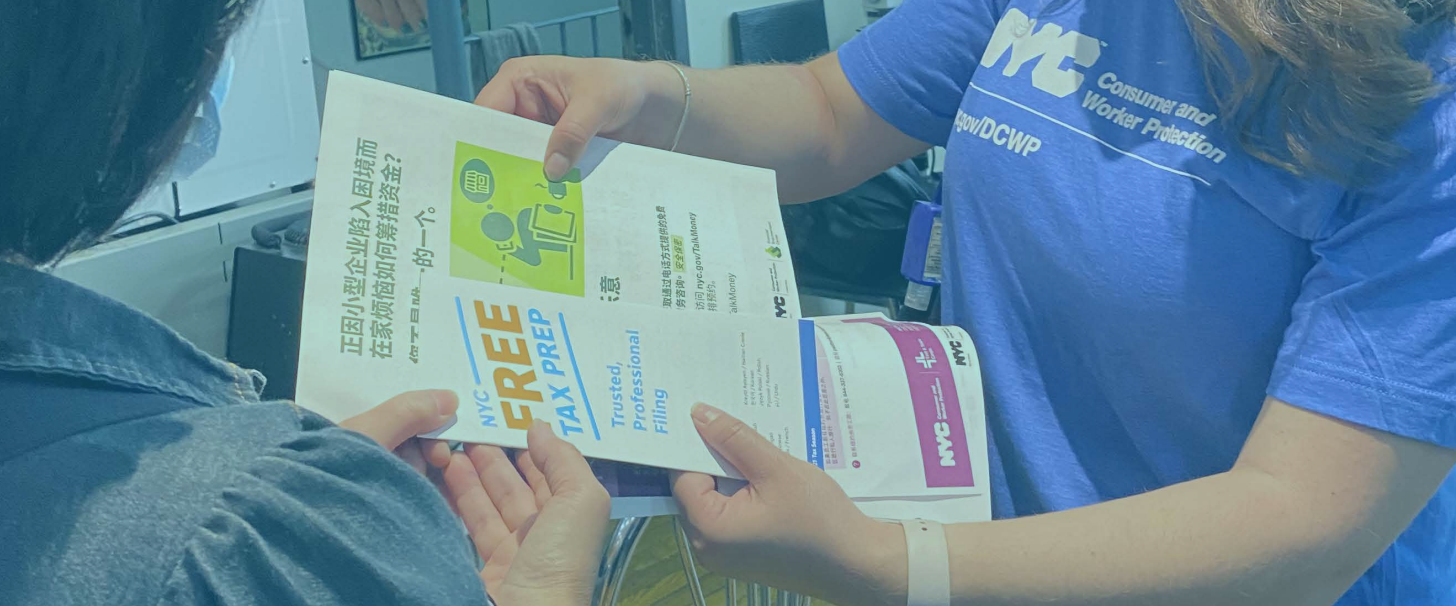
- pay double the unpaid wages to freelancers;
- change their policies and practices to pay freelancers on time;
- submit monthly reports to DCWP about its payments to freelancers in New York City; and
- pay civil penalties to the City.

The case is currently pending in the Supreme Court, New York County.



# Education and Outreach to Inform and Empower

The ongoing pandemic and amendments to existing laws intensified the need for public education and outreach. Throughout 2021, DCWP engaged workers and employers to empower them with information on their rights and responsibilities.



## Over 460 businesses visited on Business Education Days

### General Worker and Business Engagement

DCWP conducted 13 Business Education Days citywide, reaching over 460 businesses with information on the City's business laws, which cover consumer protection, licensing, weights and measures, workplace protections, and more.

DCWP organized 244 events on worker rights.

### Ongoing Education about NYC's Expanded Paid Safe and Sick Leave Law

DCWP continued to focus education and outreach to domestic workers who now get 40 hours of paid safe and sick leave. DCWP conducted 10 events, reaching over 300 domestic workers and employers with information on NYC's Paid Safe and Sick Leave Law, as well as guidance on returning to work during COVID-19, vaccine information, and New York State protections for domestic workers. DCWP received more paid safe and sick leave complaints from domestic workers employed by individual households in 2021 than in prior years.

DCWP partnered with sister City agencies, community-based organizations, elected officials, key worker advocacy groups, and consulates on virtual and in-person events to educate their constituencies about new rights, including an increase in the minimum amount of leave to 56 hours for many employees and dedicated sick leave for child vaccination. Partner organizations included Catholic Charities, Freelancers Union, La Colmena, Make the Road New York, National Domestic Workers Alliance, New Immigrant Community Empowerment, New York Immigration Coalition, Restaurant Opportunities Centers United (ROC United), and Worker's Justice Project.

### Outreach on "Just Cause" Provisions in Fair Workweek Law

To educate fast food businesses and workers about new protections against wrongful discharge that took effect July 4, 2021, DCWP organized 21 commercial corridor walks; visited over 344 businesses; and conducted two virtual webinars, one for fast food employers and one for fast food workers, which had over 360 attendees.

# Appendix A: Worker Protection Metrics at DCWP

(In many Tables, prior-year numbers have been updated to reflect DCWP's current data and methods and may differ from numbers published previously.)

**Table A1. Office of Labor Policy & Standards (OLPS) Staffing, 2017-2021**

	2017	2018	2019	2020	2021
<b>Staff</b>	37	39	31	25	33
Investigators	10	12	10	11	13
Attorneys	13	12	12	7	10
Researchers	2	4	4	3	4
Intake, Operations, and Navigation	7	7	4	3	5
Outreach and Advocacy	5	4	1	1	1

Notes: 1) Staff counts are as of December 31 of each year. 2) OLPS Outreach and Advocacy staff includes the Paid Care Advocate. 3) Staff in the External Affairs Division do outreach for the Agency, as well.

**Table A2. Worker Protection Intakes and Outreach Events, 2017-2021**

	2017	2018	2019	2020	2021
<b>Intakes</b>	2,779	3,089	3,232	16,474	7,638
OLPS Hotline	2,779	3,089	3,232	4,177	3,841
Worker Protection Hotline	-	-	-	12,297	3,797
<b>Outreach Events</b>	445	292	191	199	244

Notes: 1) Worker Protection Hotline was discontinued after July 2021. 2) Intakes consist of complaints or information requests received by DCWP. 3) OLPS = Office of Labor Policy & Standards.

**Table A3. Worker Protection Enforcement Volumes, 2017-2021**

	2017	2018	2019	2020	2021
<b>Complaints Received</b>	522	1,028	1,119	789	565
Paid Safe and Sick Leave	382	324	327	254	247
Fair Workweek	3	181	151	48	50
Retail	1	28	44	19	15
Fast Food	2	149	100	26	30
Freelance Isn't Free	128	543	671	488	276
Commuter Benefits	9	3	1	3	4
<b>Investigations Opened</b>	531	872	1,004	715	515
Paid Safe and Sick Leave	392	285	284	196	218
Fair Workweek	10	93	83	34	31
Retail	2	29	42	16	15
Fast Food	8	64	41	18	16
Freelance Isn't Free	128	530	671	490	273
Commuter Benefits	9	2	1	1	2
<b>Investigations Closed</b>	427	882	899	560	777
Paid Safe and Sick Leave	319	386	255	194	237
Fair Workweek	1	48	83	32	38
Retail	0	19	31	18	21
Fast Food	1	29	52	14	17
Freelance Isn't Free	95	463	596	341	512
Commuter Benefits	10	1	2	0	2
<b>Cases Filed</b>	48	35	28	13	14
Paid Safe and Sick Leave	48	31	28	12	14
Fair Workweek	1	8	6	2	2
Retail	0	3	3	1	0
Fast Food	1	5	3	1	2
Commuter Benefits	0	1	0	0	0
<b>Days to Resolution (All Investigations)</b>	169	138	120	210	213
Paid Safe and Sick Leave	211	258	254	231	328
Fair Workweek	0	126	203	341	397
Retail	0	103	131	287	383
Fast Food	0	141	247	411	415
Freelance Isn't Free	39	37	62	194	158
<b>Days to Resolution (Complaints)</b>	172	131	111	209	213
Paid Safe and Sick Leave	216	250	226	229	328
Fair Workweek	0	126	203	341	397
Retail	0	103	131	287	383
Fast Food	0	141	247	411	415
Freelance Isn't Free	39	37	62	194	158

Notes: 1) Totals reflect all DCWP worker protection laws, including those not shown individually. If a complaint or enforcement action encompasses multiple laws, it is included in the statistics for each law. 2) A small number of complaints do not have a law identified. These are included in the total but not in the breakdown by law. A small number of Fair Workweek complaints do not have industry identified. These are included in the Fair Workweek total but not in the breakdown by Retail or Fast Food. Though not shown separately, totals for Fair Workweek include Utility Safety Worker, and Fast Food includes Fair Scheduling and Just Cause complaints or enforcement. 3) Cases Filed excludes prosecutions limited to procedural violations by the employer, such as failure to respond to document demands.

**Table A4. Worker Protection Restitution and Penalties, 2017-2021**

	2017	2018	2019	2020	2021
<b>Restitution</b>	\$2,248,436	\$2,692,514	\$3,225,215	\$1,297,755	\$4,224,621
Paid Safe and Sick Leave	\$2,067,339	\$1,888,114	\$2,427,430	\$836,511	\$3,176,172
Fair Workweek	0	\$252,135	\$962,827	\$575,050	\$760,992
Retail	0	\$43,800	\$90,495	\$194,715	\$138,270
Fast Food	0	\$208,335	\$872,332	\$380,335	\$622,722
Freelance Isn't Free	\$119,879	\$735,100	\$649,435	\$284,864	\$631,164
<b>Workers Receiving Restitution</b>	6,240	7,743	7,709	1,286	8,196
Paid Safe and Sick Leave	6,147	7,481	7,208	1,126	7,890
Fair Workweek	0	1,270	1,918	459	383
Retail	0	98	30	220	84
Fast Food	0	1,172	1,888	239	299
Freelance Isn't Free	55	223	216	82	126
<b>Penalties</b>	\$499,097	\$467,019	\$512,139	\$212,514	\$269,658
Paid Safe and Sick Leave	\$497,447	\$447,019	\$454,009	\$170,774	\$216,758
Fair Workweek	0	\$69,140	\$214,658	\$101,212	\$119,209
Retail	0	\$14,400	\$55,640	\$22,900	\$48,230
Fast Food	0	\$54,740	\$159,018	\$78,312	\$70,979

Notes: 1) Totals reflect all DCWP worker protection laws, including those not shown individually. If a complaint or enforcement action encompasses multiple laws, it is included in the statistics for each law. 2) Though not shown separately, totals for Fair Workweek include Utility Safety Worker, and Fast Food includes Fair Scheduling and Just Cause complaints or enforcement.

**Table A5. Worker Protection Investigations, by Type of Resolution, 2017-2021**

	2017	2018	2019	2020	2021
<b>Settlement</b>	175	249	189	119	125
Paid Safe and Sick Leave	171	242	172	108	115
Fair Workweek	0	16	49	18	24
Retail	0	6	15	9	12
Fast Food	0	10	34	9	12
Commuter Benefits	1	0	0	0	0
<b>Decision</b>	2	6	2	1	2
Paid Safe and Sick Leave	2	6	2	1	2
Fair Workweek	0	0	0	0	0
Retail	0	0	0	0	0
Fast Food	0	0	0	0	0
Commuter Benefits	0	0	0	0	0
<b>Administrative Closure</b>	161	165	113	101	138
Paid Safe and Sick Leave	151	139	82	87	120
Fair Workweek	1	32	35	15	15
Retail	0	13	16	9	10
Fast Food	1	19	19	6	5
Commuter Benefits	9	1	2	0	2

Notes: 1) Totals reflect all DCWP worker protection laws, including those not shown individually. If a complaint or enforcement action encompasses multiple laws, it is included in the statistics for each law. 2) Though not shown separately, totals for Fair Workweek include Utility Safety Worker, and Fast Food includes Fair Scheduling and Just Cause complaints or enforcement. 3) Investigations are considered administratively closed if DCWP concludes that there is insufficient evidence to proceed with enforcement or if it consolidates multiple investigations into one open investigation.

**Table A6. Summary of Paid Safe and Sick Leave Enforcement, Restricted to Complaints and Enforcement Actions where Paid Safe and Sick Leave was the only DCWP Worker Protection Law Implicated, 2017-2021**

	2017	2018	2019	2020	2021
<b>Complaints Received</b>	382	303	300	249	239
<b>Investigations Opened</b>	384	247	247	188	208
<b>Investigations Closed</b>	319	370	217	185	224
Settlement	169	232	140	99	101
Decision	2	6	2	1	2
Administrative Closure	151	132	75	86	120
<b>Cases Filed</b>	47	26	22	10	12
<b>Restitution</b>	\$2,067,339	\$1,705,279	\$1,612,953	\$430,842	\$2,832,464
<b>Workers Receiving Restitution</b>	6,147	6,250	5,575	744	7,687
<b>Penalties</b>	\$497,447	\$397,879	\$297,481	\$111,302	\$150,450

Notes: 1) Cases Filed excludes prosecutions limited to procedural violations by the employer, such as failure to respond to document demands.  
2) Investigations are considered administratively closed if DCWP concludes that there is insufficient evidence to proceed with enforcement or if it consolidates multiple investigations into one open investigation.

**Table A7. Paid Safe and Sick Leave Complaints Received, by Allegation, 2017-2021**

	2017	2018	2019	2020	2021
<b>Complaints Received</b>	382	324	327	254	247
Did not pay for use	191	178	189	133	76
Did not provide notice	183	151	141	74	27
Failed to maintain adequate policy	194	73	153	133	45
Retaliated (includes threats)	114	106	138	59	55
Did not allow use	106	115	90	43	49
Required documentation	26	33	44	20	13
Did not provide correct accrual	20	18	19	11	10
Restricted use	5	35	93	47	20
Did not provide correct carryover	15	49	24	6	2
Required employee to find replacement	14	7	10	3	4
Interfered with use	0	20	44	40	6
Paid incorrect rate	7	12	13	3	2
Did not provide adequate notice	8	10	13	3	3
Required employee to make up time	11	7	4	2	0
Required or disclosed medical information	10	4	3	3	5
Required unreasonable notice	5	5	1	0	2
Did not allow use to care for family	0	4	12	3	2
Failed to maintain records	0	4	8	3	3
Paid late	1	2	1	1	4
Required use	1	2	0	0	0
Did not reinstate safe or sick time	1	3	1	0	1
Did not transfer accrual with job	2	1	1	1	1
Did not frontload correctly	1	2	0	0	0
Failed to provide reasonable accommodation	0	1	4	1	0
Required or disclosed safe leave information	0	0	0	0	1

Notes: Complaints may include multiple Paid Safe and Sick Leave allegations. Some complaint records may not indicate any specific allegation. These are included in Complaints Received but are not reflected under any allegation category.

**Table A8. Fair Workweek Complaints Received, by Industry, 2017-2021**

	2017	2018	2019	2020	2021
<b>Complaints Received</b>	3	181	151	48	50
Fast Food—Fair Scheduling	2	149	100	26	30
Fast Food—Wrongful Discharge	0	0	0	0	9
Retail	1	28	44	19	15
Utility Safety	0	0	0	0	0

Notes: 1) Complaints may include multiple Fair Workweek allegations. Some complaint records may not indicate any specific allegation. These are included in Complaints Received. 2) Fast Food—Wrongful Discharge protections went into effect July 2021. 3) Utility Safety Worker protections went into effect January 2022.

**Table A9. Freelance Isn't Free Complaints, by Allegation, 2017-2021**

	2017	2018	2019	2020	2021
<b>Complaints Received</b>	128	543	671	488	276
Written contract required	14	50	92	51	26
Unlawful payment practices	124	531	772	524	229
Retaliation	12	30	78	44	30
Changed the scope or nature of work after it began	0	7	21	6	5

## Appendix B: Overview of DCWP's Worker Protection Laws

The NYC Department of Consumer and Worker Protection enforces the worker protection laws described in this appendix. This includes some, but not all, of the City's workplace laws.

For information on public employees:

- Visit the NYC Office of Labor Relations at [nyc.gov/olr](http://nyc.gov/olr)

For information concerning anti-discrimination in employment:

- Visit the NYC Commission on Human Rights at [nyc.gov/humanrights](http://nyc.gov/humanrights)

For information concerning drivers:

- Visit the NYC Taxi and Limousine Commission at [nyc.gov/taxi](http://nyc.gov/taxi)

For information concerning construction workers:

- Visit the NYC Department of Buildings at [nyc.gov/buildings](http://nyc.gov/buildings)

### Paid Safe and Sick Leave

Under NYC's Paid Safe and Sick Leave Law (Earned Safe and Sick Time Act), private and nonprofit employers and employers of domestic workers in New York City must give their employees safe and sick leave. Depending on employer size, employees can earn up to 40 hours of leave each year (1-99 employees) or up to 56 hours of leave each year (100 or more employees). Employees can use leave for themselves or to help anyone they consider family for care and treatment, or to seek help or take other safety measures for any act or threat of domestic violence, unwanted sexual contact, stalking, or human trafficking.

For more information, visit [nyc.gov/workers](http://nyc.gov/workers)

### Fair Workweek

Under NYC's Fair Workweek Law, fast food workers in New York City have a right to regular work schedules and the chance to pick up more hours before new workers are hired. Effective July 4, 2021, fast food workers also have a right to progressive discipline before being fired or losing work hours, and priority for reinstatement after a layoff. Retail and utility safety employers in New York City must give employees predictable work schedules.

For more information, visit [nyc.gov/workers](http://nyc.gov/workers)

### Freelance Isn't Free

NYC's Freelance Isn't Free Law establishes and enhances protections for freelance workers, specifically the right to a written contract, timely and full payment, and protection from retaliation. The law establishes penalties for violations of these rights, including statutory damages, double damages, injunctive relief, and attorneys' fees and costs.

For more information, visit [nyc.gov/workers](http://nyc.gov/workers)

### **Commuter Benefits**

NYC's Commuter Benefits Law requires for-profit and nonprofit employers with 20 or more full-time non-union employees in New York City to offer their full-time employees the opportunity to use pre-tax income to pay for qualified transit expenses. Under federal tax law, employees can currently use up to \$280 of pre-tax income a month to pay for their commute.

For more information, visit [nyc.gov/workers](https://nyc.gov/workers)

### **Grocery Worker Retention**

The Grocery Worker Retention Act requires new grocery store owners to retain employees of the previous owner for a 90-day transitional period following a change in control of the grocery store.

For more information, visit [nyc.gov/workers](https://nyc.gov/workers)

### **Living and Prevailing Wage**

The Living Wage Law requires certain employers that receive at least \$1 million of financial assistance from the City or a City economic development entity to pay no less than the living wage to their employees at the project site, unless the employer qualifies for certain exemptions.

For more information, visit [nyc.gov/workers](https://nyc.gov/workers)

### **Temporary Schedule Change**

NYC's Temporary Schedule Change Law requires employers to grant a temporary change to hours, times, or locations of work to accommodate a worker's "personal event." Employees have the right to two temporary schedule changes per year—up to one business day per request, or two business days for one request.

For more information, visit [nyc.gov/workers](https://nyc.gov/workers)

### **Displaced Building Service Workers Protection**

The Displaced Building Service Workers Protection Act requires certain new building owners, managers, contractors, and commercial lessees to retain preexisting building service employees for a 90-day transition period. During the transition period, employees can only be terminated for cause or if the new employer determines that fewer building service employees are required to perform building service work. At the end of the transition period, employees will be offered continued employment if the new employer considers their performance to be satisfactory.

For more information, visit [nyc.gov/workers](https://nyc.gov/workers)

### **Car Wash Accountability**

The Car Wash Accountability Law requires car wash operators to obtain a license from DCWP in order to do business in New York City. Among other provisions, the law allows DCWP to suspend or revoke a Car Wash license for egregious or repeated nonpayment or underpayment of wages, or other illegal acts or omissions by a car wash business. The law also requires operators to maintain surety bonds to provide a source of funds to satisfy judgments for wage theft.

For more information, visit [nyc.gov/dcwp](https://nyc.gov/dcwp) and search "car wash."

### **City Laundry Equity and Accountability**

The City Laundry Equity and Accountability Law requires operators of industrial laundries to obtain a license from DCWP in order to do business in New York City. Among other provisions, the law authorizes DCWP to deny a license application if the applicant received a final determination of liability in a civil, criminal, or administrative action involving egregious or repeated nonpayment or underpayment of wages. The law also requires operators to maintain surety bonds to provide a source of funds to satisfy judgments for wage theft.

For more information, visit [nyc.gov/dcwp](https://nyc.gov/dcwp) and search "laundry."

### **Third-Party Food Delivery Service Laws**

Effective 2022, NYC's Third-Party Food Delivery Service Laws have a licensing requirement for apps and protections for the restaurants that use apps and the workers who do restaurant deliveries for apps. Restaurants have new requirements, as well.

For more information, visit [nyc.gov/DeliveryApps](https://nyc.gov/DeliveryApps)

### **Licensing of Construction Labor Providers**

Effective 2022, businesses that employ workers they supply to clients to perform construction work or manual labor on New York City worksites in exchange for compensation must have a Construction Labor Provider license from DCWP. The law also requires Construction Labor Providers to give workers required notices, among them notice of rights; notice of certification (legally required certifications, trainings, or other designations workers need to perform their work duties); and notice of assignment (nature of work and types of equipment and protective clothing required for a work assignment).

For more information, visit [nyc.gov/dcwp](https://nyc.gov/dcwp) and search "construction labor provider."



# Appendix C: Paid Care Division

In February 2017, the Paid Care Division was established within the NYC Department of Consumer and Worker Protection (DCWP) Office of Labor Policy & Standards (OLPS). The only governmental office of its kind in the U.S., the Paid Care Division is charged with developing and implementing innovative strategies to raise job standards for home care and domestic workers. The office is led by the OLPS Director of Litigation and staffed by the Paid Care Advocate. 2021 highlights include:

## Enforcement

- In November, DCWP and the New York State Attorney General’s Office secured a settlement totaling up to \$18.8 million with InterGen Health, LLC and Amazing Home Care Services, LLC after a joint investigation revealed violations of NYC’s Paid Safe and Sick Leave Law, wage and hour requirements, and other workplace standards. Amazing and InterGen—which are under common ownership, share employees, and serve primarily Medicaid patients—are together one of the largest home care agencies in New York State. See the section *Enforcement of NYC’s Worker Protection Laws* for more information.
- DCWP secured a \$19,000 settlement from a private household employer for a domestic worker who was denied sick leave rights and fired for visiting a doctor.

## Outreach

- The Paid Care Division organized quarterly webinars in partnership with paid care organizations, such as Adhikaar, Carroll Gardens Association, Hand in Hand, Make the Road New York, and National Domestic Workers Alliance, to share resources with paid care workers and employers about NYC’s Paid Safe and Sick Leave Law.
- The Division organized a virtual vaccine town hall in partnership with the NYC Department of Health and Mental Hygiene to address questions about the COVID-19 vaccine and sick leave.
- The Paid Care Working Group met four times. Convened by the Division, the working group enables paid care advocates in the city to connect, share resources, and exchange insights.

**Table C1. Paid Care Worker Complaints and Enforcement, 2017-2021**

	2017	2018	2019	2020	2021
<b>Complaints Received</b>	75	21	14	24	13
<b>Investigations Opened</b>	78	18	10	16	12
<b>Investigations Closed</b>	31	54	18	15	15
<b>Cases Filed</b>	2	11	1	0	0
<b>Restitution</b>	\$5,200	\$175,306	\$540,031	\$7,811	\$2,172,500
<b>Workers Receiving Restitution</b>	2	758	4,491	8	6,727

Notes: 1) *Complaints Received* excludes complaints under laws not enforced by DCWP. 2) *Prior-year numbers* have been updated to reflect DCWP’s current data and methods and may differ from numbers published previously.



