

The State of Workers' Rights in New York City

Fourth Annual Report



Bill de Blasio
Mayor

Consumer and
Worker Protection

Lorelei Salas
Commissioner

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Acknowledgments

The Department of Consumer and Worker Protection (DCWP) acknowledges the following staff who contributed to this report: Lisa Billups, Niki Culma, Debra Halpin, Claudia Henriquez, Ben Holt, James Hurst, Sam Krinsky, Abigail Lootens, Kenny Minaya, Tanjila Rahman, Peggy Tam, Amalia Torrentes, and Elizabeth Wagoner.

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Message from Commissioner Lorelei Salas

As I look back on our Agency's work in 2020, I feel both humbled by the challenges that faced us and filled with pride by our determination to confront them. As COVID-19 upended the lives of working people throughout our city, it piled new hardships on top of old inequalities, making our mission to protect and enhance the daily economic lives of New Yorkers more vital than ever.

In response to COVID-19, the Department of Consumer and Worker Protection (DCWP) put much of our existing work on hold, redirecting staff and resources toward emergency response. Actions included:

- a series of plain language publications to explain the rapid shifts in worker safety and leave regulations;
- a new hotline to provide individualized assistance to workers with questions about returning to work;
- new approaches to enforcement to secure immediate access to sick leave for affected workers; and
- on-site business inspections to enforce worker safety rules.

I am proud to report that through this work we were able to reach more New Yorkers than ever before.

Despite being in emergency mode, we were still able to advance other critical pieces of our work, which resulted in the enactment of four new laws that strengthen workers' rights in the city. The new laws provide workers with additional access to sick leave; give DCWP new tools to enforce the laws under our jurisdiction; and guarantee fast food workers groundbreaking protections against wrongful discharge.

The Agency's worker protection efforts are led by our Office of Labor Policy & Standards but increasingly integrated throughout DCWP. I especially want to acknowledge:

- Enforcement: Staff remained in the field, conducting business inspections to protect workers, even while many other staff were able to work safely from home.
- External Affairs: Staff similarly took to the field, educating businesses about reopening requirements.
- The many others throughout the Agency who were asked to help staff the new Worker Protection Hotline, switching their tasks at a moment's notice and quickly mastering new skills.

For your flexibility, courage, and dedication to the public, I thank you all.

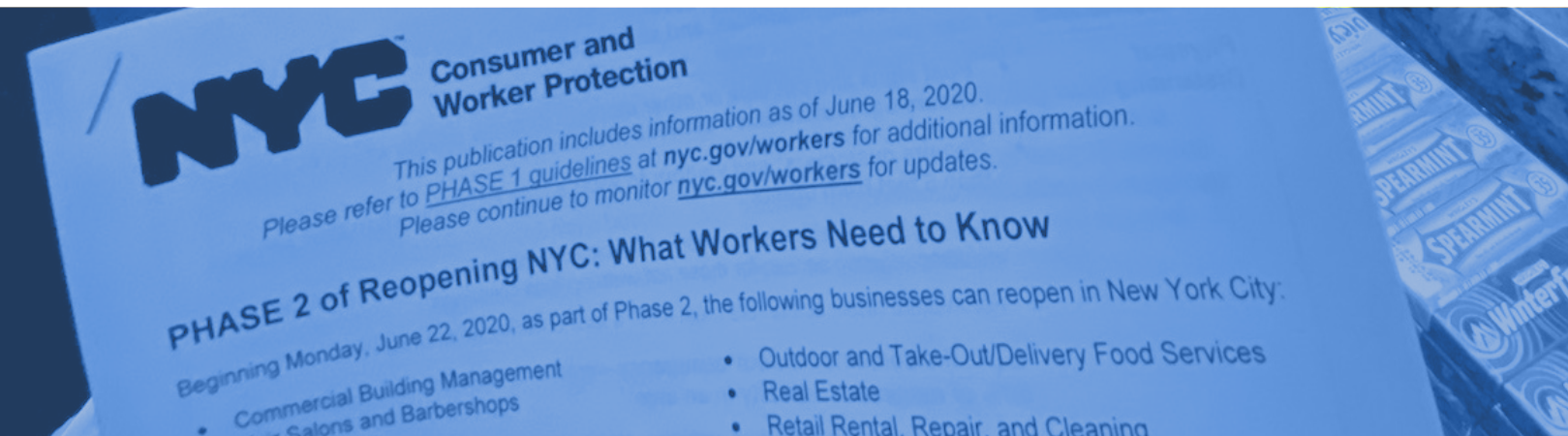
I see encouraging signs for our city: declining infections, increasing vaccination rates, passage of the American Rescue Plan, and the prospect of an economic rebound on the horizon. Still, much work remains to be done. COVID-19 continues to exact a heavy toll on working New Yorkers. And the inequalities the virus has exploited will remain unless and until there is change. For our part, DCWP will continue to stand with working New Yorkers to ensure a fast and equitable recovery for all.

Lorelei Salas
Commissioner

DCWP Response to COVID-19

As COVID-19 hit the city in early 2020, DCWP sought to help workers and employers dealing with its impact on the workplace. Throughout the year, state and federal policies on paid leave and worker safety shifted abruptly, and DCWP staff moved quickly to educate New Yorkers about the new measures by issuing guidance, connecting workers to referrals and needed resources, partnering with community organizations and other City agencies, and launching a dedicated Worker Protection Hotline to address workers' questions as workplaces began to reopen. DCWP also retooled our enforcement processes to prioritize quick resolution of COVID-related sick leave complaints and to participate in strategic enforcement of reopening requirements.





Timely Guidance on Workers' Rights

To help workers understand how overlapping federal, state, and City emergency workplace safety and paid leave requirements applied to them, DCWP created plain language publications that we translated to the top 10 languages spoken by New Yorkers with limited English proficiency. We posted publications to the online hub nyc.gov/DCWPAalerts and distributed them broadly throughout the city.

- COVID-19 and Paid Sick Leave outlines sick leave laws at the federal, state, and local levels.
- Update about Workplace Laws During COVID-19 provides a summary of City labor laws for worker and employer awareness during the crisis. Laws include sick leave, as well as ones covering fast food, retail, and freelance workers. DCWP revised guidance several times to reflect updates.
- Reopening NYC: What Workers Need to Know is a series of publications with accompanying FAQ that cover general and industry-specific requirements, including personal protective equipment, to protect workers from exposure to COVID-19 at work. Publications cover all phases of reopening in New York City.
- Returning to Work During COVID-19 provides targeted guidance to domestic workers and their employers on how to stay safe when the workplace is a private home.

DCWP partnered with community organizations, business groups, sister City agencies and programs, including the NYC Test & Trace Corps, to disseminate workers' rights information through their platforms.



Contacts with workers increased **329%** from 2019 to 2020.

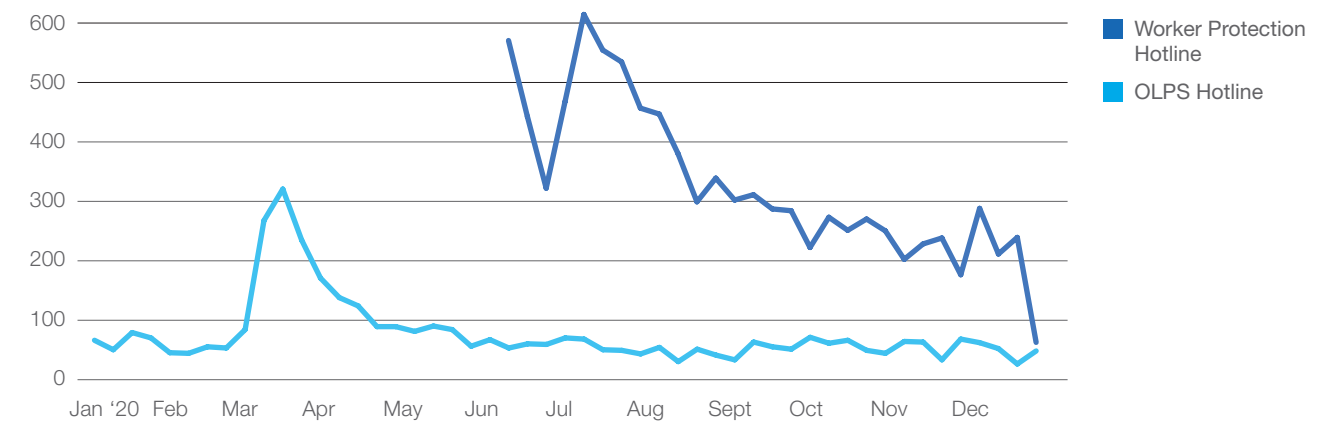
Hotline for Workers Returning to Work

As New York City businesses began reopening in June, DCWP launched our Worker Protection Hotline to answer workers' health and safety questions and to assist them in filing complaints about employers not following reopening requirements. Beyond health and safety inquiries, DCWP also helped callers with questions about leave benefits, unemployment insurance, and more.

- In 2020, DCWP staff fielded nearly 10,000 calls to the Worker Protection Hotline, and assisted nearly 600 callers in filing COVID-19 worker safety complaints.

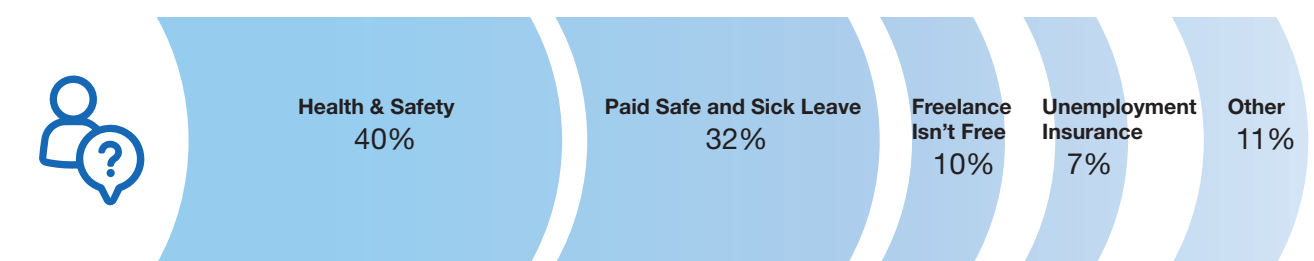
COVID-19 Created an Unprecedented Need for Information on Workers' Rights

Weekly Contacts on DCWP Hotlines



Contacts include email and phone.

Topics Addressed by DCWP Hotlines

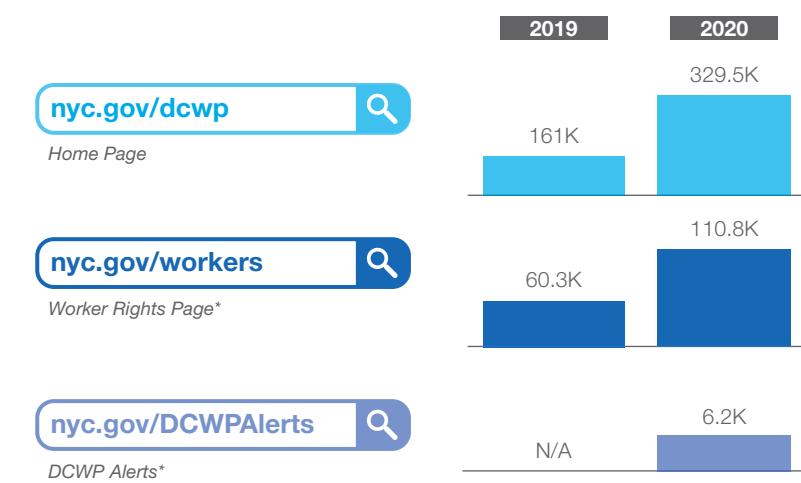


Phone and email contacts to the OLPS Hotline and Worker Protection Hotline, 2020. Excludes contacts where no topic was recorded.



Visits to the Worker Rights Page increased **84%** from 2019 to 2020.

Web Visits on DCWP Webpages



There were **225,222** more total page visits in 2020. There were **56,712** more Worker/COVID-specific* page visits in 2020.

Priority Enforcement of Paid Safe and Sick Leave to Stop the Spread

Paid sick leave is a proven tool to help stem the spread of infectious diseases, including COVID-19.¹ Unfortunately, the New Yorkers most at risk for violations of their sick leave rights tend to live in the same disproportionately Black, Hispanic, and immigrant neighborhoods that have been hit hardest by the virus. Targeting our resources to help vulnerable populations is central to DCWP's work, both before and throughout the pandemic.

- DCWP retooled our enforcement process to handle COVID-related sick leave complaints on an expedited basis and to focus on securing immediate access to leave.
- In 2020, DCWP resolved 18 COVID-related sick leave investigations, resulting in \$42,000 in restitution for 23 workers and 18 employers brought into compliance.
- Through in-depth attorney consultations, DCWP helped over 100 workers quickly address COVID-related sick leave complaints without the need to open formal investigations.
- DCWP leveraged our case data to document the relationship between Paid Safe and Sick Leave complaints and community-level mortality risk from COVID-19, underscoring the importance of effective enforcement in saving lives.



DCWP conducted approximately **9,000 inspections** for health and safety compliance in 2020.

Enforcement of Health and Safety Requirements to Ensure Safe Reopening

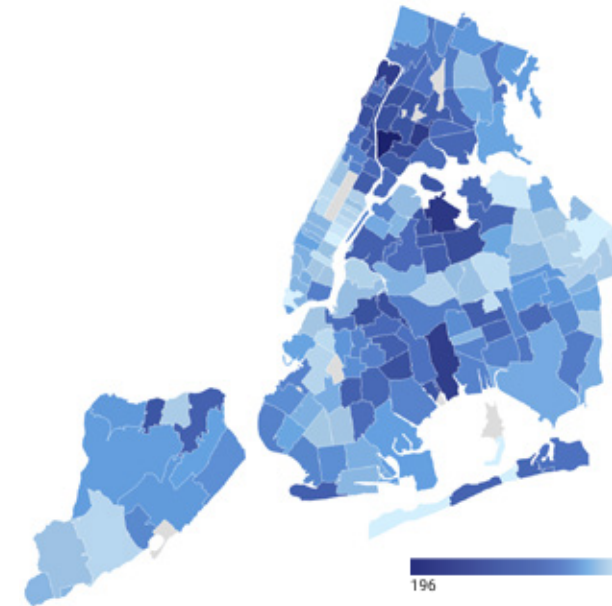
DCWP joined a multiagency effort within City government to enforce worker safety requirements, conducting on-site inspections in response to complaints.

- DCWP inspectors conducted workplace health and safety inspections, a first for the Agency.
- DCWP prioritized education to help businesses come into compliance, resulting in quick corrections without the need for fines or citations.

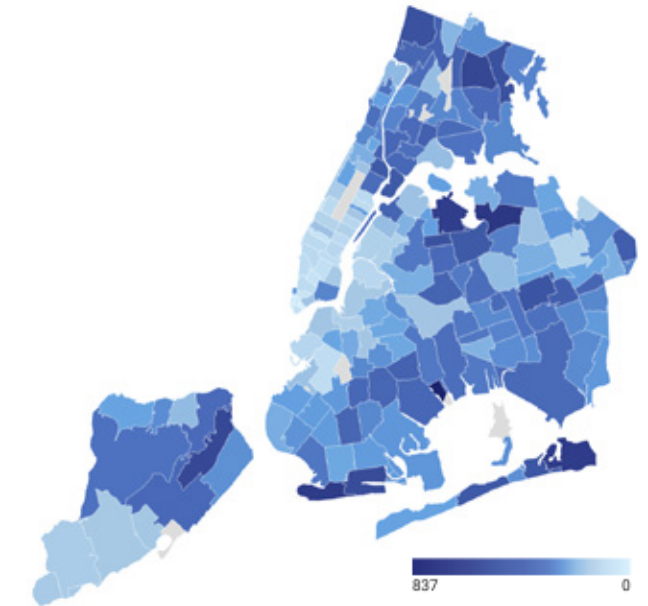


Paid Safe and Sick Leave Complaints Come Disproportionately from Black, Hispanic, and Immigrant Neighborhoods Hardest Hit by COVID-19

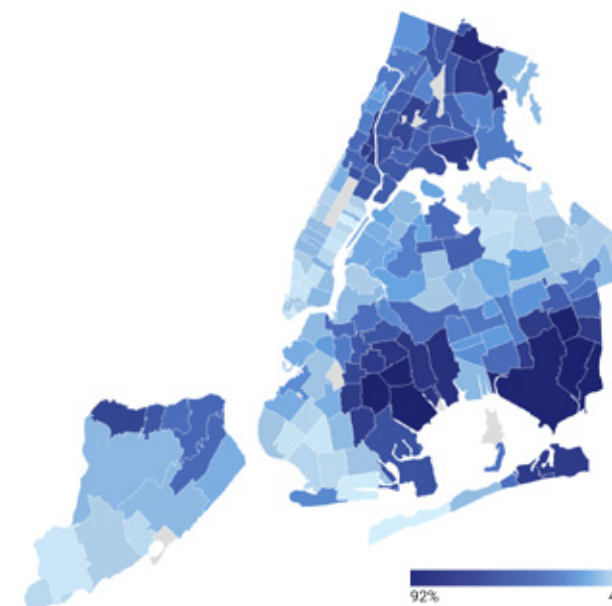
Paid Safe and Sick Leave Complaints per 100K Workers



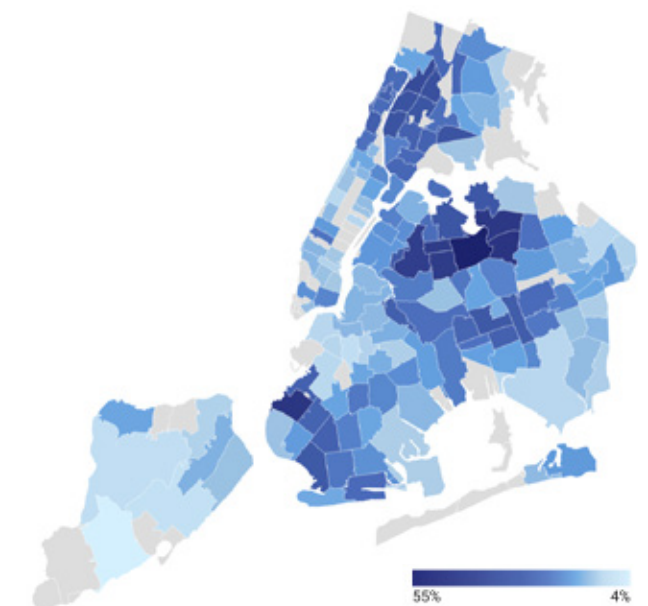
COVID-19 Deaths per 100K Residents



Black or Hispanic Share of Workforce



Non-Citizen Share of Workforce



Complaints and deaths are totals through 2/12/2021. Areas without data are shown in gray. Sources: DCWP, Census Bureau, DOHMH.

Further detail and data for each map are available via the hyperlinks [Paid Safe and Sick Leave Complaints per 100K Workers](#), [COVID-19 Deaths per 100K Residents](#), [Black or Hispanic Share of Workforce](#), [Non-Citizen Share of Workforce](#).

¹ See "COVID-19 Emergency Sick Leave Has Helped Flatten the Curve in the United States." Stefan Pichler, Katherine Wen, and Nicholas R. Ziebarth. October 15, 2020. Health Affairs. Vol. 39, No. 12: Climate & Health.



New Policies to Strengthen Workers' Rights

The inequalities worsened by the pandemic, together with the heroism of so many essential workers, has made the need for strong labor protections only more urgent. To this end, DCWP played a key role in several groundbreaking legislative initiatives in 2020.

LOCAL 338
"Bettering the Lives of
Our Members and
All Working People"
STRONGER TOGETHER



More than half of private sector employees in New York City now have a legal right to 56 hours (7 days) of paid safe and sick leave a year.

Source: DCWP analysis of data from the U.S. Census Bureau and Bureau of Labor Statistics.

Expanded Rights to Paid Safe and Sick Leave

In April 2020, six years after Paid Sick Leave took effect in New York City, New York State enacted safe and sick leave protections that took effect on September 30, 2020. To align the two laws, the City enacted a set of amendments which strengthened NYC's safe and sick leave requirements in the process.

- The minimum amount of leave increased from 40 hours (or 5 days) to 56 hours (or 7 days) for businesses with 100 or more employees, and all workers can use leave as they accrue it.
- Domestic workers now have the same safe and sick leave protections as all other workers.
- The law now makes clear that when an employer is out of compliance, all of its employees are entitled to restitution, not only those who file complaints.

New Tools to Strengthen Enforcement

In 2020, new legislation greatly enhanced DCWP's authority to safeguard workers' rights.

- In legislation formally renaming the Agency the Department of Consumer and Worker Protection, the City clarified DCWP's role in both enforcing and interpreting the City's worker protection laws and the process for appealing decisions following administrative trials.
- New York State enacted legislation providing DCWP with robust authority to enforce administrative judgments in state court. This ensures that when employers go to court and lose, they cannot get out of paying what they owe—long a major problem in labor standards enforcement.

First-of-its-Kind Protections Against Wrongful Discharge for Fast Food Workers

On January 5, 2021, Mayor Bill de Blasio signed "Just Cause" legislation, making New York City only the second municipal jurisdiction in the nation to guarantee protections against unfair firings for private sector workers. Though limited to the fast food industry, the law sets a groundbreaking precedent and features an innovative design. As of July 4, 2021:

- Fast food workers who complete a probationary period can only be terminated if their employer has just cause or a legitimate economic reason for layoffs.
- Fast food employers must provide workers with regular schedules and are prohibited from cutting workers' hours by more than 15% without just cause or a legitimate economic reason. Both protections are critical in an industry notorious for erratic and exploitative scheduling practices.
- Fast food workers can assert their rights against unfair terminations in civil court, through an administrative complaint with DCWP, or, after January 1, 2022, by invoking a new arbitration program.



Credit: Ed Reed/Mayoral Photography Office

Enforcement of NYC's Worker Protection Laws

Despite the COVID-19 crisis and shifted priorities, DCWP continued to enforce the City's labor laws, investigating and prosecuting a wide range of violations.

Paid Safe and Sick Leave

As in past years, Paid Safe and Sick Leave represented the largest portion of enforcement. Highlights:

- A \$160,000 settlement with the American Airlines contractor Eulen America, covering over 400 workers at JFK Airport.
- A \$25,000 settlement from the first-ever litigation under the law's "safe leave" provisions, which guarantee workers the right to paid time off because of domestic violence, unwanted sexual contact, stalking, or human trafficking. The settlement required the company to pay \$22,000 to a worker wrongfully fired for using safe leave and \$3,000 to six other workers who were unlawfully denied access to leave.
- A \$3,000 settlement for a domestic worker who was denied sick leave by the employer, underscoring that even the most vulnerable and isolated workers in the city can work with DCWP to successfully exercise their rights under the law.
- A favorable ruling that DCWP's litigation against New York Sports Club could proceed despite the company's bankruptcy, ensuring that employers accused of violating workers' rights cannot use this legal maneuver to evade responsibility.
- Fast action to reinstate two Chipotle employees, referred by 32BJ SEIU, after they were illegally fired for using sick leave.



Over **\$575K** in relief was delivered to NYC workers under the Fair Workweek Law in 2020.

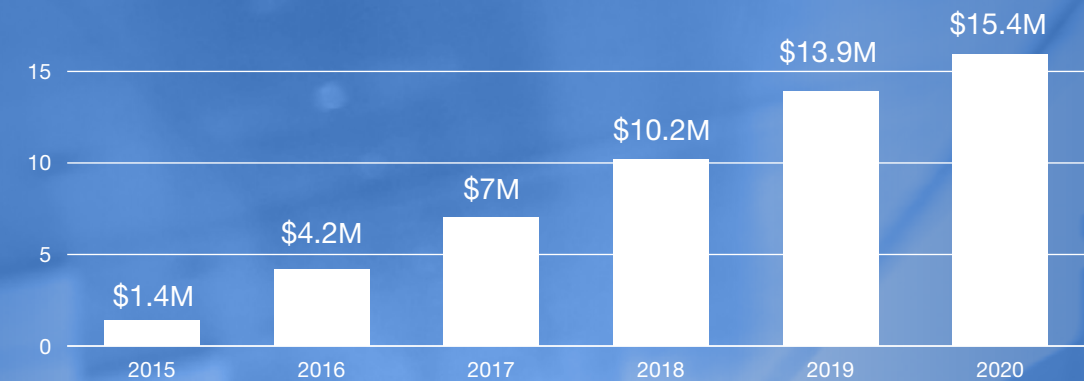
Fair Workweek

Investigations under the Fair Workweek Law represent an increasing portion of DCWP's work. Highlights:

- In April 2020, DCWP reached a \$150,000 settlement with Kingsbridge Marketplace, a grocery store in the Bronx, including \$142,500 in relief to 149 grocery workers. The settlement resolved the first-ever litigation brought by DCWP over violations of the Fair Workweek Law's retail provisions.
- In fall 2020, DCWP settled several cases with franchises of major fast food brands, including Papa John's, Burger King, and McDonald's, delivering nearly \$300,000 in relief to fast food workers.



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



In 2020, cumulative worker protection restitution and penalties exceeded **\$15 million.**

Freelance Isn't Free

In 2020, DCWP continued to help freelancers, in particular freelancers who work in arts and media, recover money owed. Highlights:

- A photo retoucher received a record \$55,700 from Revlon after more than six months of nonpayment.
- A business consultant began to receive installment payments of a commission totaling \$25,000 after more than a year and a half of nonpayment.
- Three additional freelancers working in creative industries in the city received payments of \$10,000 or more.

Grocery Worker Retention

The Grocery Worker Retention Law, in effect since 2016, requires new grocery store owners to retain employees for a 90-day period following a change in ownership. In 2020, DCWP brought first-ever litigation under the law.

- In September 2020, DCWP filed a case seeking relief for essential grocery workers who were referred by Local 338 RWDSU/ UFCW after being illegally fired by a Key Food in the Bronx. The case settled in early 2021 for \$90,000 in lost wages for 19 workers and reinstatement of 13 workers to their former positions.



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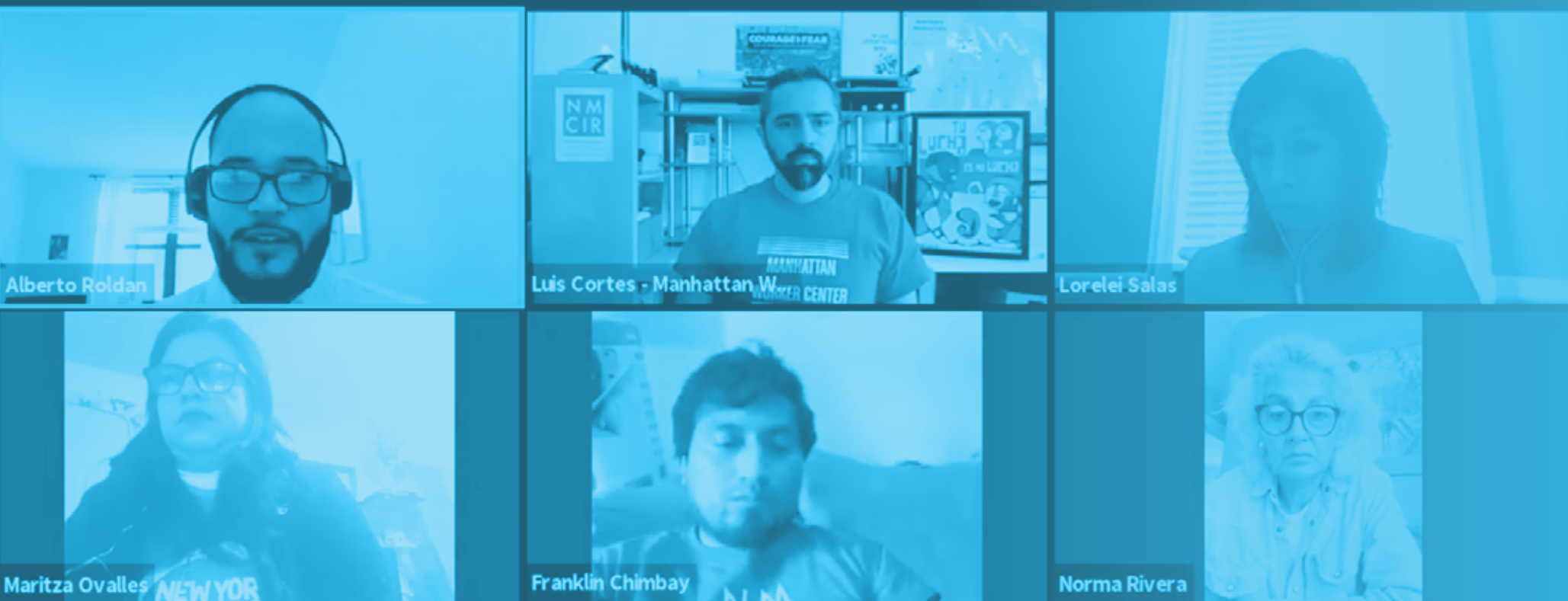
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Lorelei Salas

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Franklin Chimbay

Norma Rivera

Education and Outreach to Inform and Empower

DCWP believes that awareness—both of business obligations and worker rights—is essential to the success of the City’s workplace laws. Despite the obstacles posed by COVID-19, including a transition to largely virtual events beginning in March 2020, the Agency continued our proactive outreach and education, incorporating COVID-related guidance on health and safety and paid leave.



DCWP visited over **2,000 businesses** throughout the 5 boroughs during Business Education Days.

Engaging Workers and Businesses

As in past years, outreach events held in partnership with community and business organizations were the cornerstone of DCWP's public engagement in 2020. However, unlike past years, events were mostly virtual and largely focused on worker safety.

- DCWP held 199 worker-focused events in which staff partnered with state and City elected officials, key worker advocacy groups, consulates, faith-based organizations, and community boards to disseminate the latest workplace guidance and to field community questions. Partner organizations included Adhikaar, Catholic Charities, Freelancers Union, Henry Street Settlement, Hispanic Federation, La Colmena, Make the Road New York, New York Nail Salon Workers Association, Restaurant Opportunities Centers United (ROC-NY), and Worker's Justice Project.
- DCWP conducted 33 Business Education Days in partnership with local Business Improvement Districts, visiting over 2,000 city businesses to share information on health and safety requirements and City workplace laws.
- Since March 2020, DCWP has conducted biweekly virtual briefings for community partners, including worker advocacy groups, to share Agency updates and COVID resources and to directly answer questions from attendees.



DCWP expanded educational tools into **5 indigenous languages** to broaden community reach.

Educating the Public about Changes to Paid Safe and Sick Leave

DCWP held 10 virtual roundtables to educate workers and employers about the new amendments to NYC's Paid Safe and Sick Leave Law.

- DCWP conducted a roundtable with key worker advocacy organizations in each borough, drawing over 2,300 attendees. The roundtables, one of which focused on domestic workers, included panel discussions and opportunities for workers and advocates to ask questions.
- DCWP conducted five separate roundtables with Chambers of Commerce and Business Improvement Districts, attracting over 500 attendees. These roundtables introduced employer compliance tools and resources and addressed businesses' questions.

Indigenous Language Outreach

In 2020, DCWP partnered with consulates and community organizations to distribute audio translations of workers' rights information in five indigenous languages: Garifuna, K'iche, Kichwa, Mixteco, Nahuatl. Through language access DCWP wants to ensure that workers understand and exercise their rights.



Appendix A: Statistics on Worker Protection at DCWP

(In some 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 Staffing, 2016-2020

	2016	2017	2018	2019	2020
Staff	25	37	39	31	25
Investigators	5	10	12	10	11
Attorneys	12	13	12	12	7
Researchers	0	2	4	4	3
Intake, Operations, and Navigation	5	7	7	4	3
Outreach and Advocacy	3	5	4	1	1

Notes: Staff counts are as of December 31 of each year. Outreach and Advocacy includes the Paid Care Advocate.

Table A2. Worker Protection Intakes, Outreach Events, and Materials Distributed, 2017-2020

	2017	2018	2019	2020
Intakes	2,781	3,105	3,232	13,866
OLPS Hotline	2,781	3,105	3,232	4,091
Worker Protection Hotline	-	-	-	9,775
Outreach Events	445	292	191	199
Materials Distributed	60,938	70,620	50,000	1,826

Notes: Intakes consist of complaints or information requests received by DCWP. Materials Distributed includes printed materials only. In 2020, distribution of printed materials was suspended on March 11 due to the transition to virtual events, though distribution of digital materials continued throughout the year. OLPS = Office of Labor Policy & Standards.

Table A3. Worker Protection Enforcement Volumes, 2017-2020

	2017	2018	2019	2020
Complaints Received	514	1,040	1,113	744
Paid Safe and Sick Leave	381	322	318	228
Fair Workweek	3	177	144	37
Retail	1	28	44	16
Fast Food	2	149	100	21
Freelance Isn't Free	128	541	669	470
Commuter Benefits	9	3	1	1
Investigations Opened	531	872	1,004	716
Paid Safe and Sick Leave	392	285	284	196
Fair Workweek	10	93	83	34
Retail	2	29	42	16
Fast Food	8	64	41	18
Freelance Isn't Free	128	530	671	491
Commuter Benefits	9	2	1	1
Investigations Closed	427	884	897	560
Paid Safe and Sick Leave	319	386	255	194
Fair Workweek	1	48	83	32
Retail	0	19	31	18
Fast Food	1	29	52	14
Freelance Isn't Free	95	465	594	341
Commuter Benefits	10	1	2	0
Cases Filed	48	35	30	13
Paid Safe and Sick Leave	48	31	29	12
Fair Workweek	1	8	7	2
Retail	-	3	2	1
Fast Food	1	5	5	1
Commuter Benefits	0	1	0	0
Days to Resolution (All Investigations)	169	138	120	210
Paid Safe and Sick Leave	211	258	254	232
Fair Workweek	0	126	203	341
Retail	0	103	131	287
Fast Food	0	141	247	411
Freelance Isn't Free	37	35	62	194
Days to Resolution (Complaints)	169	138	111	209
Paid Safe and Sick Leave	216	250	226	229
Fair Workweek	0	126	203	341
Retail	0	103	131	287
Fast Food	0	141	247	411
Freelance Isn't Free	37	35	62	194

Notes: Totals reflect all DCWP worker protection laws, including those not individually shown. If a complaint or enforcement action encompasses multiple laws, it is included in the statistics for each law. 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, 2017-2020

	2017	2018	2019	2020
Restitution	\$2,258,692	\$2,682,245	\$3,220,448	\$1,255,168
Paid Safe and Sick Leave	\$2,067,339	\$1,888,114	\$2,427,430	\$793,924
Fair Workweek	0	\$252,135	\$962,827	\$575,050
Retail	0	\$43,800	\$90,495	\$194,715
Fast Food	0	\$208,335	\$872,332	\$380,335
Freelance Isn't Free	\$119,879	\$735,100	\$644,667	\$284,864
Workers Receiving Restitution	6,241	7,749	7,708	1,279
Paid Safe and Sick Leave	6,147	7,481	7,208	1,121
Fair Workweek	0	1,270	1,918	459
Retail	0	98	30	220
Fast Food	0	1,172	1,888	239
Freelance Isn't Free	55	229	212	82
Penalties	\$498,847	\$467,019	\$512,139	\$209,514
Paid Safe and Sick Leave	\$497,447	\$447,019	\$454,009	\$171,274
Fair Workweek	0	\$69,140	\$214,658	\$101,212
Retail	0	\$14,400	\$56,640	\$22,900
Fast Food	0	\$54,740	\$159,018	\$78,312

Notes: Totals reflect all DCWP worker protection laws, including those not individually shown. If a complaint or enforcement action encompasses multiple laws, it is included in the statistics for each law.

Table A5. Worker Protection Investigations, by Type of Resolution, 2017-2020

	2017	2018	2019	2020
Settlement	176	249	189	113
Paid Safe and Sick Leave	172	242	172	103
Fair Workweek	0	16	49	17
Retail	0	6	15	9
Fast Food	0	10	34	8
Commuter Benefits	1	0	0	0
Decision	2	6	2	1
Paid Safe and Sick Leave	2	6	2	1
Fair Workweek	0	0	0	0
Retail	0	0	0	0
Fast Food	0	0	0	0
Commuter Benefits	0	0	0	0
Administrative Closure	154	164	112	105
Paid Safe and Sick Leave	145	138	81	90
Fair Workweek	1	32	34	15
Retail	0	13	16	9
Fast Food	1	19	18	6
Commuter Benefits	9	1	2	0

Notes: Totals reflect the Living and Prevailing Wage Law, Grocery Worker Retention Law, and Displaced Building Service Workers Protection Law, in addition to laws shown individually. If a complaint or enforcement action encompasses multiple laws, it is included in the statistics for each law. 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, 2017-2020

	2017	2018	2019	2020
Complaints Received	381	295	295	213
Investigations Opened	384	247	249	188
Investigations Closed	319	370	218	186
Settlement	172	233	140	95
Decision	2	6	2	1
Administrative Closure	145	131	76	90
Cases Filed	47	26	23	9
Restitution	\$2,067,339	\$1,705,279	\$1,612,953	\$388,255
Workers Receiving Restitution	6,147	6,250	5,575	739
Penalties	\$497,447	\$397,879	\$297,481	\$111,802

Notes: Cases Filed excludes prosecutions limited to procedural violations by the employer, such as failure to respond to document demands. 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, 2017-2020

	2017	2018	2019	2020
Complaints Received	381	322	318	228
Did not pay for use	191	178	192	132
Did not provide notice	183	151	143	76
Failed to maintain adequate policy	194	73	154	135
Retaliated (includes threats)	114	106	139	59
Did not allow use	106	115	88	40
Required documentation	26	33	45	20
Did not provide correct accrual	20	18	19	11
Restricted use	5	36	93	49
Did not provide correct carryover	15	49	24	6
Required employee to find replacement	14	8	10	3
Interfered with use	0	21	44	41
Paid incorrect rate	7	12	13	3
Did not provide adequate notice	8	10	13	3
Required employee to make up time	11	7	4	2
Required or disclosed medical information	10	4	3	3
Required unreasonable notice	5	5	1	0
Did not allow use to care for family	0	4	12	3
Failed to maintain records	0	4	8	3
Paid late	1	2	3	0
Required use	1	2	0	0
Did not reinstate safe or sick time	1	3	1	0
Did not transfer accrual with job	2	1	1	1
Did not frontload correctly	1	2	0	0
Failed to provide reasonable accommodation	0	1	4	1

Table A8. Fair Workweek Complaints Received, by Industry and Allegation, 2017-2020

	2017	2018	2019	2020
Complaints Received	3	177	144	37
Fast Food	2	149	100	21
Failed to provide “premium pay”	0	63	30	21
Did not provide Good Faith Estimate	1	62	13	9
Failed to update schedule	0	50	38	18
Failed to post/provide schedule	0	52	26	19
Did not provide access to hours	0	52	18	4
Schedule incomplete/noncompliant	1	46	12	4
Retaliated (includes threats)	0	44	16	2
Did not post notice	0	44	10	4
Unlawful clopening	0	22	6	7
Did not provide worker with records	0	6	0	0
Disclosed protected schedule	0	1	1	0
Retail	1	28	44	16
Failed to post/provide schedule	0	12	26	11
Failed to update schedule	0	16	24	12
Cancelled shift within 72 hours	1	9	22	11
Did not post notice	0	8	17	0
Retaliated (includes threats)	0	12	11	2
Added shift without consent	0	3	7	4
Scheduled on-call shift	0	1	8	2
Scheduled call-in shift	0	1	3	1
Did not provide worker with records	0	2	0	0

Table A9. Freelance Isn't Free Complaints, by Allegation, 2017-2020

	2017	2018	2019	2020
Complaints Received	128	541	669	470
Written Contract Required	14	50	92	51
Unlawful Payment Practices	124	528	663	451
Retaliation	12	28	78	44

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

For information concerning anti-discrimination in employment:

- Visit the NYC Commission on Human Rights at nyc.gov/humanrights

For information concerning drivers:

- Visit the NYC Taxi and Limousine Commission at nyc.gov/taxi

For information concerning construction workers:

- Visit the NYC Department of Buildings at 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

Fair Workweek

Under NYC's Fair Workweek Law, fast food employers in New York City must give employees good faith estimates of when and how many hours they will work, predictable work schedules, and the opportunity to work newly available shifts before hiring new workers. Effective July 4, 2021, fast food employers can only terminate employees or reduce their hours if they have just cause or a legitimate economic reason. Retail employers in New York City must give employees predictable work schedules.

For more information, visit 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

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 \$270 of pre-tax income a month to pay for their commute.

For more information, visit 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

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

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 (2) temporary schedule changes per year—up to one (1) business day per request, or two (2) business days for one request.

For more information, visit 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

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 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 and search "laundry."

Appendix C: Activities of the 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. 2020 highlights include:

Enforcement

- DCWP continued our enforcement of Paid Safe and Sick Leave in paid care industries, including 15 new investigations.
- Though most investigations in paid care feature an agency employer, in 2020, DCWP secured a \$3,000 settlement from a private household employer for a domestic employee whose sick leave rights had been violated.
- A large-scale investigation of a home care agency, conducted jointly with the New York State Office of the Attorney General, has been ongoing since 2017 and remains one of the Agency’s priority cases.

Outreach

- Aggressive outreach to paid care workers included:
 - issuance of [new domestic worker health and safety guidance](#) related to COVID-19;
 - collaboration with paid care advocacy organizations on virtual events; and
 - introduction of “Mondays with the Paid Care Advocate,” a new series of small group virtual dialogues between the Paid Care Advocate and paid care workers in New York City.
- The Paid Care Working Group, convened by the Paid Care Division, met six times, developing into a critical hub for paid care advocates in the city to connect, share resources, and exchange insights.
- In all of these engagements, the Paid Care Advocate shared information and resources on worker protection laws that cover paid care workers in New York City, as well as information and resources for unemployment insurance, food insecurity, and quality mental health care, among other social supports and services. This outreach also resulted in frequent referrals to legal service providers and paid care advocacy organizations for additional support and representation.

Policy

- DCWP successfully advocated for new City legislation [amending the Paid Safe and Sick Leave Law](#) to remove a carve-out for domestic workers, giving them equal protections with all other workers.

Research

- DCWP partnered with advocacy organizations to conduct and disseminate new research on paid care. This included hosting research presentations by the National Domestic Workers Alliance and Make the Road New York and assisting the Carroll Gardens Association with participant recruitment for a survey of domestic workers in New York City.

Complaints from paid care workers are handled through the general OLPS Hotline. Table C1 provides data.

Table C1. Paid Care Worker Complaints and Enforcement, 2017-2020

	2017	2018	2019	2020
Complaints Received	75	21	14	18
Investigations Opened	76	18	10	15
Investigations Closed	29	54	18	14
Cases Filed	2	11	1	0
Restitution	\$5,200	\$170,306	\$540,031	\$6,904
Workers Receiving Restitution	2	757	4,491	7

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

