NYC Consumer and Worker Protection | Commission on Human Rights | Mayor's Office of Immigrant Affairs

Workers' Bill of Rights

If you work in NYC, you have rights regardless of your immigration status.

The Department of Consumer and Worker Protection (DCWP) created this overview of important City, State, and federal laws so you know your rights at work.

Note: "Employee" and "independent contractor" are different worker classifications. We indicate when a right at work applies to an independent contractor.

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I. Rights at Work Enforced by DCWP

This section highlights important NYC labor laws.

Note: It is not exhaustive and does not constitute legal advice.

No Retaliation

It is illegal to punish, fire, or take any adverse employment action against workers for exercising or trying to exercise their rights. Contact DCWP immediately about suspected retaliation.

Contact DCWP

To learn about additional NYC labor laws, ask a question, or file a complaint:

- Visit **nyc.gov/workers**
- Call **311** (212-NEW-YORK outside NYC) and specify the worker protection law

DCWP will keep your identity confidential unless disclosure is required by law or you give permission. DCWP will not ask you about your immigration status.

Paid Safe and Sick Leave

If you work part time or full time at any size business or nonprofit in NYC or if you work in an NYC household as a domestic worker, you have the right to up to 40 or 56 hours of leave a year to care for yourself or anyone you consider family. Use leave for:

- health, including illness or preventive medical care;
- safety because of domestic violence, unwanted sexual contact, stalking, or human trafficking.

For more information or to file a complaint:

- Visit nyc.gov/workers
- Call 311 and say Paid Safe and Sick Leave

Temporary Schedule Changes

You have the right to make temporary schedule changes for up to two business days per year for certain personal events. This includes the right to take unpaid time off. Personal events can include:

- child care;
- care for a family or household member with a disability;
- public benefits hearing;
- any use under NYC's Paid Safe and Sick Leave Law.

For more information or to file a complaint:

- Visit nyc.gov/workers
- Call 311 and say Temporary Schedule Change

Fast Food Worker Rights

If you work in fast food, you must get:

- regular weekly schedules;
- extra pay for schedule changes;
- priority to work new shifts;
- job protection from firing, layoff, or hours reduction.

For more information or to file a complaint:

- Visit nyc.gov/workers
- Call 311 and say Fair Workweek Law

Retail and Utility Safety Worker Rights

If you work at a retail business store or in utility safety, you must get your weekly work schedule 72 hours before the first shift.

Your employer can't make last-minute changes.

For more information or to file a complaint:

- Visit nyc.gov/workers
- Call 311 and say Fair Workweek Law

Food Delivery Worker Rights

Independent contractors who do restaurant deliveries for an app have rights.

If you do restaurant deliveries for an app, apps must:

- pay you the minimum pay rate*;
- tell you how much the customer tips for each delivery;
- tell you your total pay and tips for the previous day;
- allow you to limit how far you will go from restaurants and refuse to use certain bridges or tunnels;
- tell you route details before you accept a delivery;
- pay you at least once a week.

*Updates to the minimum pay rate happen on April 1 each year.

For more information or to file a complaint:

- Visit nyc.gov/workers
- Call 311 and say Delivery Workers

Freelance Worker Rights

If you are an independent contractor (freelancer) in NYC, you must get:

- a written contract;
- timely and full payment for your work.

For more information or to file a complaint:

- Visit nyc.gov/workers
- Call 311 and say Freelance Workers

Commuter Benefits

If you work full time at a business or nonprofit with 20 or more full-time non-union employees in NYC, your employer must offer you a commuter benefits program.

For more information or to file a complaint:

- Visit nyc.gov/workers
- Call 311 and say Commuter Benefits

Grocery Worker Rights

If you work at a grocery store that is sold, the new owner must retain employees of the previous owner for a 90-day transitional period.

For more information or to file a complaint:

- Visit nyc.gov/workers
- Call 311 and say Grocery Workers

II. Rights at Work Enforced by Other Agencies

This section highlights important City, State, and federal labor laws that protect employees. It also highlights NYC anti-discrimination worker protections that cover many kinds of workers, including independent contractors.

Note: It is not exhaustive and does not constitute legal advice.

Minimum Wage and Hour Rights

You have the right to receive at least an hourly minimum wage rate.

You may have the right to extra pay in addition to the hourly minimum wage, including:

- *Overtime pay*: Time and a half pay for working more than 40 hours in a week.
- *Call-in pay*: Pay for being sent home early.
- *Split shift and spread of hours pay*: Pay when the beginning of your workday and the end are more than 10 hours apart.
- *Uniform maintenance pay*: Pay if you clean your own uniform.

Your employer must:

- give you a written notice of pay rate when you're hired;
- give you a detailed wage statement (pay stub) each payday.

You have additional rights and protections related to:

- illegal deductions from wages;
- rest and breaks;
- employment of workers under age 18.

For more information or to file a complaint, contact:

New York State Department of Labor
dol.ny.gov (search "labor standards") | 888-469-7365

Prevailing Wage

Under State and City laws, contractors must meet higher minimum pay and benefits requirements for workers under certain public work contracts and certain private projects receiving public funding or tax benefits.

For more information or to file a complaint, contact:

New York State Department of Labor
dol.ny.gov (search "prevailing wage") | 888-469-7365

New York City Comptroller
comptroller.nyc.gov (search "prevailing wage") | 212-669-3916

Paid Family Leave

Your employer must provide up to 12 weeks of job-protected paid time off to:

- bond with a newly born, adopted, or fostered child;
- care for a family member with a serious health condition; or
- assist loved ones when a spouse, domestic partner, child, or parent is deployed abroad on active military service.

For more information or to file a complaint, contact:

New York State Paid Family Leave
paidfamilyleave.ny.gov | 844-337-6303

Family and Medical Leave Act

Employers with 50 or more employees must provide eligible employees up to 12 weeks of *unpaid* family and medical leave.

For more information or to file a complaint, contact:

U.S. Department of Labor
dol.gov | 866-4-USWAGE (866-487-9243)

Workers' Compensation and Disability Benefits

You have the right to cash benefits and/or medical care if you become ill or injured as a direct result of your job.

Your employer must also provide temporary disability benefits for off-the-job injuries or illnesses, including pregnancy- or delivery-related disabilities.

For more information or to file a complaint, contact:

New York State Workers' Compensation Board
wcb.ny.gov | 877-632-4996

No Forced Labor

Forced labor, also known as human trafficking, is a serious crime. Victims work against their will because of force, fraud, or coercion.

For more information or to get help, contact:

National Human Trafficking Hotline
(U.S. Department of Health & Human Services Administration for Children & Families)
888-373-7888 (24 hours, 7 days a week)

New York State Department of Labor Division of Immigrant Policies and Affairs
877-466-9757 (Monday to Friday, 9 a.m. to 5 p.m.)

There is a form of immigration relief called the T visa available to certain survivors of trafficking.

For more information or to get help, contact:

Mayor's Office of Immigrant Affairs Immigration Legal Support Hotline
800-354-0365 (Monday to Friday, 9 a.m. to 6 p.m.)

Safe and Healthy Workplace

Your workplace must be free of health and safety hazards. You also have the right to receive information and training about job hazards.

For more information or to file a complaint, contact:

Occupational Safety and Health Administration
osha.gov | 800-321-OSHA (800-321-6742)

You have the right to create a workplace safety committee of workers and managers to address workplace safety issues.

For more information or to file a complaint, contact:

New York State Department of Labor
dol.ny.gov (search "HERO Act") | 888-469-7365

Discrimination-free Workplace

City, State, and federal laws prohibit sexual harassment and employment discrimination. The NYC anti-discrimination law covers employees, independent contractors, interns, and job applicants.

In NYC, it is illegal for employers to discriminate based on protected categories, including but not limited to:

- age
- conviction history (in many cases)
- disability
- gender
- immigration or citizenship status
- national origin
- pregnancy
- race
- religion
- sexual orientation

Reasonable Accommodation

Employers in NYC must provide reasonable accommodations in the workplace based on:

- disability (physical or mental)
- pregnancy, childbirth, breastfeeding
- religious observance
- status as victim of domestic violence (including economic abuse), sexual violence, or stalking

Reasonable accommodations can include a change to a work schedule, duties, and/or equipment.

For more information or to file a complaint, contact:

NYC Commission on Human Rights
nyc.gov/humanrights | 311 (say Discrimination) or 212-416-0197

New York State Division of Human Rights
dhr.ny.gov | 888-392-3644

U.S. Equal Employment Opportunity Commission
eeoc.gov | 800-669-4000

Equal Pay

You have the right to equal pay for equal work and to discuss your pay with your coworkers.

For more information or to file a complaint, contact:

New York State Attorney General
ag.ny.gov (search “equal pay”) | 800-771-7755

Right to Organize

You can join together with your coworkers to improve your working conditions, including organizing a union. Employers can’t take action against you for organizing or talking with your coworkers about working conditions.

For more information or to file a complaint, contact:

National Labor Relations Board
nlrb.gov | 844-762-NLRB (844-762-6572)

Unemployment Benefits

Your employer must carry unemployment insurance which provides temporary income, up to 26 weeks, if you lose your job through no fault of your own and are actively seeking work. You must have legal authorization to work to qualify for unemployment benefits.

For more information, contact:

New York State Department of Labor
dol.ny.gov (search “unemployment”) | 888-209-8124

Health Insurance

If your employer offers health insurance, you may have the right to continue health benefits when you lose coverage or change jobs.

For more information, contact:

U.S. Department of Labor
dol.gov (search “Employee Benefits Security Administration”) │ 866-444-3272

Correct Worker Classification (Employee or Independent Contractor)

Many worker rights only apply to workers who are classified as employees.

Whether or not you are an employee or an independent contractor depends on several factors and the nature of your work arrangement.

Misclassification occurs when employers treat workers who should be considered employees as independent contractors or pay workers “off the books” without paying taxes. Misclassification denies workers their rights and benefits as employees.

For more information or to report misclassification, contact:

New York State Department of Labor
dol.ny.gov (search “misclassification”) | 866-435-1499

III. Job Applicant Rights

This section highlights important City, State, and federal laws.

Note: It is not exhaustive and does not constitute legal advice.

The City offers free help for jobseekers who have legal authorization to work. Contact the NYC Department of Small Business Services to learn about Workforce1 Career Centers:

- Visit **nyc.gov/workforce1**
- Call **311** and say Workforce1

Pay Transparency

Most employers must state the pay range in a job posting.

For more information or to file a complaint, contact:

NYC Commission on Human Rights
nyc.gov/humanrights | 311 (say Salary Transparency)

New York State Department of Labor
dol.ny.gov (search "pay transparency") | 888-469-7365

Salary History Ban

Employers can't ask about your salary history during the hiring process.

For more information or to file a complaint, contact:

NYC Commission on Human Rights
nyc.gov/humanrights | 311 (say Discrimination)

New York State Department of Labor
dol.ny.gov (search "salary history ban") | 888-469-7365

Rights When Using an Employment Agency

Employment agencies must have a DCWP license to operate in NYC.

Agencies can't charge a fee before they place you in a job. Fees can't be more than the maximum amount set by State law. If you pay an illegal fee, you can demand a refund.

Agencies must give you a contract and receipts.

For more information or to file a complaint, contact:

NYC Department of Consumer and Worker Protection
nyc.gov/workers | 311 (say Employment Agency Complaint)

Automated Employment Decision Tools

Employers and employment agencies can’t use an automated employment decision tool (AEDT) in NYC unless they ensure a bias audit was done and provide required notices to employees and job candidates.

For more information or to file a complaint, contact:

NYC Department of Consumer and Worker Protection
nyc.gov/dcwp │ 311 (say AEDT)