

Protecting NYC's Freelance Workers

If you are a freelance worker in NYC, starting May 15, 2017, you have legal rights and a dedicated City resource for workplace questions and complaints: the Office of Labor Policy & Standards within the Department of Consumer Affairs (DCA).

DCA created this overview to inform you about important rights and resources. Please monitor nyc.gov/dca for updates and additional information.

Who is Covered by the Law?

Under the Freelance Isn't Free Act, a **freelance worker** is any individual hired or retained as an independent contractor by a hiring party to provide services for compensation.

Freelancers work in many different industries, generally run their own business, and have specialized skills, capital investment, and the ability to negotiate job terms. Some of the most common industries for freelance workers include:

- film and video
- graphic and web design
- home contracting and repair
- media
- photography
- translation

Exceptions:

Certain sales representatives, attorneys, and licensed medical professionals are excluded from the definition of freelance worker.

The law would generally not apply to work done under a collective bargaining agreement that defines workers as employees.

Whether or not you are an “independent contractor” depends on a variety of factors and the nature of your work arrangement. DCA is developing resources to help workers understand if they have the correct work classification. Please monitor nyc.gov/dca for updates. You can also contact DCA at freelancer@dca.nyc.gov if you have questions about your classification as a freelance worker, independent contractor, or employee.

A **hiring party** is anyone, other than a government entity, who hires a freelance worker.

Your Rights

You have rights regardless of your immigration status.



Written Contract

All contracts worth \$800 or more must be in writing. This includes all agreements between you and the hiring party that total \$800 in any 120-day period. The written contract must spell out the work you will perform; the pay for the work; and the date you get paid. You and the hiring party must keep a copy of the written contract.



Timely Payment

The hiring party must pay you for all completed work. You must receive payment on or before the date that is in the contract. If the contract does not include a payment date, the hiring party must pay you within 30 days after you complete the work.



Freedom from Retaliation

It is illegal for a hiring party to penalize, threaten, or blacklist you because you exercised your rights.



Freedom from Discrimination

The NYC Human Rights Law protects New Yorkers against many kinds of discrimination. If you experience discrimination, call the NYC Commission on Human Rights Infoline at 311.



Right to File a Complaint

You can file a complaint with DCA's Office of Labor Policy & Standards. DCA will notify the hiring party who must respond to the complaint within 20 days. DCA will also provide information to help you find a lawyer, understand the court process, and more. DCA will make a complaint form available by May 15 on nyc.gov/dca and through 311. *If you have questions, email freelancer@dca.nyc.gov.*



Right to Sue

You can sue the hiring party in court to seek damages. If you are not timely paid for your work, you have a right to collect double the amount you weren't paid, damages for retaliation, and payment of attorneys' fees and costs.

Resources

Sample Contracts

DCA will create model contracts that comply with the law that hiring parties and freelance workers can review. *Please monitor nyc.gov/dca for updates.*

Low-Cost Health Insurance

The NYC Human Resources Administration can help you find health insurance and care that meets your needs and budget. *Call 311, text CoveredNYC (or SeguroNYC) to 877877, visit nyc.gov/health to find a Health Department Certified Application Counselor for free in-person help, or visit the NY State of Health website at nystateofhealth.ny.gov.*

Public Benefits

ACCESS NYC is a free service that helps you find out if you may qualify for more than 30 City, state, and federal benefit programs. You can apply online for certain programs through ACCESS NYC. *Visit nyc.gov/accessnyc or contact 311 for ACCESS NYC information.*

Free Financial Counseling

NYC Financial Empowerment Centers offer free one-on-one professional financial counseling. The service is confidential, and our professional counselors speak multiple languages. *Call 311 to schedule an appointment or visit nyc.gov/dca.*

Free Tax Preparation

You may qualify for NYC Free Tax Prep services, which include online filing and in-person filing with an IRS certified VITA/TCE volunteer preparer. *Call 311 or visit nyc.gov/taxprep for more information.*

Education and Training Programs

The City offers free help for jobseekers. *Visit nyc.gov/workforce1 or call 311 and ask to find a Workforce1 Career Center.*

Immigration Assistance

ActionNYC provides safe, free immigration legal screenings in your community, in your own language. *Visit nyc.gov/actionnyc or call 311 and say "ActionNYC."*

English Classes

The NYC Department of Youth and Community Development's English Language Program is designed to help the newest New Yorkers learn English. *Visit nyc.gov/dycd for more information.*

About DCA's Office of Labor Policy & Standards

DCA's Office of Labor Policy & Standards (OLPS) is NYC's central resource for workers. We are a dedicated voice in City government for workers in NYC. We protect and promote labor standards and policies that create fair workplaces to ensure all workers can realize their rights, regardless of immigration status.



Consumer Affairs

Lorelei Salas
Commissioner

The NYC Department of Consumer Affairs (DCA) protects and enhances the daily economic lives of New Yorkers to create thriving communities. Through the work of our Office of Labor Policy & Standards, DCA empowers working families by providing the tools and resources they need to achieve financial health and work-life balance.