

New York City’s Notice and Distribution Requirement of “Workers’ Bill of Rights”

On December 4, 2023, New York City Mayor Eric Adams signed into law the New York City Council’s bill, Int 0569-2022 (the “City Law”). The bill, known as the “Workers’ Bill of Rights,” will require New York City employers to abide by certain notice and distribution requirements by July 1, 2024. The notice and distribution requirements will inform employees and independent contractors of their rights under federal, state, and local law. In passing this law, New York City seeks to protect the employment rights of its employees and to elaborate on the rights independent contractors have under City Law.

What Does the Law Require?

The City Law requires employers in New York City to make available to its employees a [“Know Your Rights at Work” poster](#). Specifically, no later than July 1, 2024, employers must:

- (1) provide a copy of the poster to each of its employees, as well as to every employee that they employ after July 1, 2024. For the workers who are employed after July 1, 2024, employers must provide the poster to the employee no later than the employee’s first day of work;
- (2) post the poster in a conspicuous location that is in the employer’s place of business and is located in an area that is accessible and visible to all of its employees;
- (3) make the poster available online or on its mobile application (e.g., smartphone or tablet computer) for employees to view, if such means are regularly used to communicate with its employees.

Whether an employer must comply with all three of the requirements is dependent upon the type of employer. The requirement that employers must provide a copy of the poster to its current and prospective employees applies to all employers. Where an employer does not have a physical place of business to post the poster (e.g., an employer with a completely remote workforce and no physical office), they will not be required to do so. However, regardless of whether an employer has a place of business, they must still make the poster available to its employees online, or on its mobile application, if the employer regularly communicates with its employees through such means.

The City Law only specifies “employees” as being the workers who employers must provide with the poster. Therefore, it does not appear that employers must also distribute the poster to independent contractors.

What Does the Poster Entail?

The Know Your Rights at Work poster is the result of a coordinated effort by the Department of Consumer Affairs and Worker Protection (DCWP), the Mayor’s Office of Immigrant Affairs (MOIA), the New York City Commission on Human Rights (NYCCHR), and various community and labor organizations. It is a one-page, multilingual poster that includes a scannable QR code. Scanning the poster’s QR code directs employees to the [DCWP website](#). Once on the DCWP website, employees are provided with the “Workers’ Bill of Rights” (the “Bill”) which contains an overview of important City, State, and federal laws concerning the rights of New York City employees and independent contractors.

The Bill indicates which rights apply to workers, regardless of immigration status, and includes information about the right to organize a union. The Bill also elaborates on the rights independent contractors have under City Law. Specifically, the Bill informs independent contractors of their rights as

food delivery workers, their right to a written contract and timely, full payment of work, and their rights under New York City anti-discrimination laws.

An employer must provide the Bill in English, and in any other language spoken as a primary language by at least five percent of the employers' employees, assuming the Commissioner of Consumer and Worker Protection (the "Commissioner") has made the Bill available in that language.

Consequences of Violating the Law

In the event that an employer violates the City Law, the employer will be subjected to a civil fine totaling \$500. However, for the first violation only, a business will be notified of the violation by the Commissioner, will be requested to correct the violation within 30 days, and will be afforded the opportunity to contest the Commissioner's findings.

Take-Aways for Employers

Employers should immediately begin planning where they will post the poster, ensuring that the designated location is conspicuous, accessible, and visible to all its employees. Employers should also begin planning their strategy for distributing the poster to their employees. Finally, employers should consider whether they regularly communicate with their employees online or via mobile application. If they regularly communicate through either method, employers should prepare to make the poster available through the appropriate medium.

We will continue to monitor developments related to this law and will provide subsequent updates if more information becomes available.

This alert is for general informational purposes only and should not be construed as specific legal advice. If you would like more information about this alert, please contact one of the following attorneys or call your regular Patterson contact.

<u>Lisa E. Cleary</u>	212.336.2159	<u>lecleary@pbwt.com</u>
<u>Jacqueline L. Bonneau</u>	212.336.2564	<u>jbonneau@pbwt.com</u>
<u>Jabari I. Matthew, Law Clerk</u>	212.336.2203	<u>jmatthew@pbwt.com</u>

To subscribe to any of our publications, call us at 212.336.2000, email mktg@pbwt.com or sign up on our website, <https://www.pbwt.com/subscribe/>.

This publication may constitute attorney advertising in some jurisdictions.
© 2024 Patterson Belknap Webb & Tyler LLP

Patterson Belknap Webb & Tyler LLP
1133 Avenue of the Americas
New York, NY 10036-6710
212.336.2000
www.pbwt.com