

New York City Enacts Legislation Clarifying Independent Contractor Protection under Human Rights Law

By Richard I. Greenberg, Daniel J. Jacobs & John A. Snyder

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Meet the Authors



Richard I. Greenberg

(Rich)
Principal
(212) 545-4080
Richard.Greenberg@jacksonlewis.com



Daniel J. Jacobs

(He/Him)
Principal
(212) 545-4049
Daniel.Jacobs@jacksonlewis.com



While courts have generally interpreted the New York City Human Rights Law (NYCHRL) as providing anti-discrimination protections to individuals performing services as independent contractors, effective in January 2020, amendments to the NYCHRL clarify such protections.

These amendments also clarify that while the NYCHRL's coverage of a business is limited to those businesses with at least four persons in their "employment" at all times during the period beginning 12 months before the start of an unlawful discriminatory practice and continuing through the end of such unlawful discriminatory practice:

1. This four-person threshold does not apply to claims of gender-based harassment;
2. Natural persons working as contractors in furtherance of the business's enterprise count toward this threshold, as well as the employer's parent, spouse, domestic partner or child (however, the employer's parents, spouse, domestic partner, or children are not protected by the NYCHRL).

All employers should regularly review their classification of service providers as independent contractors due to the expanding legal issues attendant to such classification.

For guidance on these and other workplace issues, please contact a Jackson Lewis attorney.



John A. Snyder

(He/Him)

Principal

(212) 545-4054

John.Snyder@jacksonlewis.com

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