

Protections for Domestic Workers under the New York City Human Rights Law

The New York City Commission on Human Rights is a resource to help workers and employers understand their rights and obligations under the New York City Human Rights Law (NYCHRL). This document provides information regarding new workplace protections.

Starting March 12, 2022, the NYCHRL will protect domestic workers in New York City from discrimination, harassment, and retaliation. It will also entitle them to reasonable accommodations.

Who is a domestic worker with rights under the law?

The NYCHRL's protections will apply to all domestic workers who perform work in New York City.

- Domestic workers include nannies, home care workers, housecleaners, or any worker who is employed in a home providing childcare, eldercare, companionship, or housekeeping services. Most fulltime and parttime workers are covered.
- Exceptions: The law does not cover those working only occasionally. It also excludes workers who are related to the employer or to the person receiving care, and workers who provide companionship services and are simultaneously employed by an outside agency.

Who is an employer with obligations under the law?

Anyone who employs a domestic worker in New York City, other than on a casual or irregular basis. This includes individual employers as well as companies. Employment agencies and people who help workers find jobs are also covered by the NYCHRL.

- Note: A person who employs or places even one domestic worker has obligations under the NYCHRL.

What rights and obligations are in the new law?

1. Domestic workers have the right to be free from discrimination.

- Employers cannot discriminate against domestic workers based on their actual or perceived gender, national origin, race, immigration status, religion, or any other category protected by the NYCHRL. That means that employers cannot fire or refuse to hire a domestic worker, pay them less, harass them or allow them to be harassed, or otherwise treat them less well because of their membership in a protected class.
- For more information about employment discrimination protections and protected classes under the NYCHRL, view the [Commission's website](#).

2. Domestic workers have the right to reasonable accommodations, or changes to their schedule or job duties to enable them to perform the essential functions of their job.

- Employees are entitled to reasonable accommodations for needs related to disability, pregnancy or related medical conditions, childbirth, lactation, religious practices or observances, and status as a victim of domestic violence, sexual violence, or stalking. However, employers do not have to provide accommodations that would impose an undue hardship because of their cost or impact on the job.
- If an employer is aware that an employee may need a reasonable accommodation, they must engage in a cooperative dialogue, or good faith discussion, with the employee to understand their needs and discuss potential accommodations.
- For more information about reasonable accommodations under the NYCHRL, see the [Commission's Legal Enforcement Guidance on Discrimination on the Basis of Disability](#) and [Rules on Protections with Respect to Pregnancy, Childbirth, and Related Medical Conditions](#).

3. **When hiring, employers cannot ask domestic workers questions about their [salary history](#), inquire into their [credit history](#), or ask them to take a [pre-hire drug test to detect marijuana/THC](#).**
4. **Domestic workers have the right to written notice about sexual harassment protections, and to training regarding sexual harassment protections.**
 - Once a domestic worker is hired, their employer must provide them with written notice of their rights regarding [sexual harassment](#), post a [notice](#) in English and Spanish regarding sexual harassment protections, and ensure that they receive annual [training](#) on the NYCHRL’s protections against gender-based harassment.
5. **Domestic workers have the right to be free from retaliation for opposing discrimination, requesting a reasonable accommodation (see #2), or filing a NYCHRL claim.**

Are there any NYCHRL Protections that Won’t Apply to Domestic Workers?

Yes. There are a few areas of the City’s Human Rights Law that do not apply to domestic workers.

- The Fair Chance Act and related employment protections based on pending arrests, criminal accusations, and criminal convictions do not apply. However, employers cannot ask about or consider a potential employee’s non-convictions, prior arrests or criminal accusations, adjournments in contemplation of dismissal, youthful offender adjudications, or sealed convictions in hiring.
- Employers of domestic workers are not required to provide employees with written notice of their rights regarding pregnancy discrimination or maintain a designated lactation room or policy. However, if employees need accommodations related to pregnancy, including accommodations to allow workers to express milk at work, employers must have a cooperative dialogue and provide accommodations unless doing so would impose an undue burden on them.

What might prohibited discrimination against domestic workers look like?

Here are some examples of behavior that violates the NYCHRL:

- An employer fires a home health aide after learning that she requested time off to attend pregnancy consultations because the employer does not believe the aide could do the job while pregnant.
- An employer tells an undocumented housekeeper that if he reports any instances of discrimination he experienced in her home, she will call ICE.
- A dark-skinned nanny discovers that former lighter-skinned nannies who used to work for the same employer were paid much more than she is paid. When she confronts her employer about this, her employer explains that “dark-skinned staff don’t work as hard.”
- A patient tells a home attendant that she should not report his sexual harassment or he will make sure that she is “never able to work in this City again.”

Do domestic workers in New York have rights under other laws?

Yes. Domestic workers have the right to [paid safe and sick leave](#), minimum wage and overtime pay, one (1) day of rest per week, and at least three (3) paid days off per year. Fulltime domestic workers also have the right to workers’ compensation and disability benefits insurance, and some domestic workers are entitled to paid family leave. See [here](#) for more information about rights for domestic workers in New York State.

What should do if I have questions about these rights and obligations or would like to report discrimination?

Call the Commission on Human Rights at (212) 416-0197 or visit NYC.gov/HumanRights. You can file a complaint, leave an anonymous tip, learn more about your responsibilities, or sign up for a free workshop.