

DCA's Office of Labor Policy & Standards (OLPS) is a dedicated voice in City government for workers. Charged with helping vulnerable workers, OLPS embraces our mandate to focus on issues affecting immigrants, people of color, and women in the workplace.

OLPS:

- **Enforces** key municipal workplace laws.
- **Conducts** original research, outreach, and education.
- **Develops** policies that are responsive to New York City's evolving economy and workforce.



*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.*

## Resources

### Sample Contracts

DCA created model contracts that comply with the law that hiring parties and freelance workers can review. *Please visit [nyc.gov/dca](http://nyc.gov/dca).*

### Small Business Resources

Visit [nyc.gov/business](http://nyc.gov/business) to learn more about common business regulations and to access resources to assist your business.

### Freelancer Resources

The City offers free and low-cost services, including health insurance, financial counseling, and tax preparation, to eligible individuals. You can direct your freelance workers to these resources at [nyc.gov/dca](http://nyc.gov/dca).

Do You  
Hire  
Freelance  
Workers?  
Know  
NYC Law

If you hire a freelance worker in NYC, you have legal responsibilities under the Freelance Isn't Free Act, which took effect May 15, 2017. You may contact the **Office of Labor Policy & Standards** within the **Department of Consumer Affairs (DCA)** if you have questions about the law.

DCA created this overview to inform you about important responsibilities and resources.

For more information, **call 311** and ask for "Freelance Workers" or visit [nyc.gov/dca](http://nyc.gov/dca)

## Who is a Covered Hiring Party?

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

## Who is a Covered Freelance Worker?

A **freelance worker** is any individual whom you hire or retain as an independent contractor to provide services for compensation. 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.

### Employee or independent contractor?

Whether or not a worker is legally an "independent contractor" or an "employee" depends on a variety of factors and the nature of the work arrangement. Please visit [nyc.gov/dca](http://nyc.gov/dca) for resources to help you understand if you are using the correct work classification for your workers. You can also contact DCA at [freelancer@dca.nyc.gov](mailto:freelancer@dca.nyc.gov) if you have questions about work classification. **DCA does not provide legal advice, however.**

## Your Responsibilities

The law covers freelance workers regardless of their immigration status.

### Written Contract



All contracts worth \$800 or more must be in writing. This includes all agreements between you and a freelance worker that total \$800 in any 120-day period. Written contracts must spell out the work to be performed; the pay for the work; and the payment date. You and the freelance worker must keep a copy of any written contracts.

### Timely Payment



You must pay a freelance worker for all completed work. You must make payment on or before the date that is in the contract. If the contract does not include a payment date, you must pay the freelance worker within 30 days after the work is completed.

### No Retaliation



It is illegal to penalize, threaten, or blacklist freelance workers because they exercised their rights.

### Complaints



A freelance worker can file a complaint with DCA's Office of Labor Policy & Standards. DCA will notify you if a complaint is filed against you. You must respond to the notice of complaint in writing within 20 days. If you do not respond and if the freelance worker files a civil action in court, the judge will presume that you committed the violations. *If you have questions, email [freelancer@dca.nyc.gov](mailto:freelancer@dca.nyc.gov).*

### Civil Action



A freelance worker can file a civil action in court for violations of the law. If a court finds that you violated the law, you can be liable for damages—double damages for late payment or nonpayment; additional damages for failure to provide a written contract or retaliation—plus attorneys' fees and costs.