

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

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

October 14, 2019

## Meet the Authors



**Richard I. Greenberg**

(Rich)  
Principal  
(212) 545-4080  
[Richard.Greenberg@jacksonlewis.com](mailto:Richard.Greenberg@jacksonlewis.com)



**Daniel J. Jacobs**

(He/Him)  
Principal  
(212) 545-4049  
[Daniel.Jacobs@jacksonlewis.com](mailto: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 "employ" 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](mailto:John.Snyder@jacksonlewis.com)

## Related Services

Employment Litigation

Staffing and Independent Workforce

Technology

©2019 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on employment and labor law since 1958, Jackson Lewis P.C.'s 1,000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged and stable, and share our clients' goals to emphasize belonging and respect for the contributions of every employee. For more information, visit <https://www.jacksonlewis.com>.