

Worker Protection Metrics at the New York City Department of Consumer and Worker Protection (DCWP)

Table 1. Office of Labor Policy & Standards (OLPS) Staffing, 2018-2022

	2018	2019	2020	2021	2022
Staff	39	31	25	33	38
Investigators	12	10	11	13	13
Attorneys	12	12	7	10	13
Data and Research	4	4	3	4	7
Intake, Operations, and Navigation	7	4	3	5	4
Outreach and Advocacy	4	1	1	1	1

Notes: 1) Staff counts are as of December 31 of each year. 2) OLPS Outreach and Advocacy staff includes the Paid Care Advocate. 3) Staff in the DCWP External Affairs Division perform worker protection outreach for the agency in addition to OLPS Outreach and Advocacy staff.

Table 2. Worker Protection Intakes and Outreach Events, 2018-2022

	2018	2019	2020	2021	2022
Intakes	3,089	3,246	16,470	7,637	3,896
Outreach Events	292	191	199	244	252

Notes: Intakes consist of complaints or information requests received by DCWP.

Table 3. Worker Protection Enforcement Volumes, 2018-2022

	2018	2019	2020	2021	2022
Complaints	1,094	1,190	1,765	1,334	819
Paid Safe and Sick Leave	360	341	351	388	221
Fair Workweek	185	159	53	54	103
Fast Food	148	100	27	32	79
Just Cause	-	-	-	10	51
Retail	28	44	18	18	24
Utility Safety	-	-	-	-	0
Freelance Isn't Free	551	698	499	283	428
Delivery Workers Law	-	-	-	-	57
Commuter Benefits	3	1	4	5	6
Other	40	50	890	658	27


NYC Consumer and Worker Protection

Investigations Opened	872	1,004	715	515	666
Paid Safe and Sick Leave	285	284	196	216	180
Fair Workweek	93	83	34	34	50
Fast Food	64	41	19	16	35
Just Cause	-	-	-	2	23
Retail	29	42	15	18	15
Utility Safety	-	-	-	-	0
Freelance Isn't Free	530	671	490	273	414
Delivery Workers Law	-	-	-	-	25
Commuter Benefits	2	1	1	2	6
Other	0	2	3	1	1
Investigations Closed	882	899	560	778	599
Paid Safe and Sick Leave	386	255	194	237	197
Fair Workweek	48	83	32	38	34
Fast Food	29	52	14	17	19
Just Cause	-	-	-	1	5
Retail	19	31	18	21	15
Utility Safety	-	-	-	-	0
Freelance Isn't Free	463	596	341	512	354
Delivery Workers Law	-	-	-	-	18
Commuter Benefits	1	2	0	2	7
Other	0	1	2	2	0
Cases Filed	30	25	13	12	10
Paid Safe and Sick Leave	26	25	12	12	10
Fair Workweek	7	5	2	1	0
Fast Food	4	2	1	1	0
Just Cause	-	-	-	-	0
Retail	3	3	1	0	0
Utility Safety	-	-	-	-	0
Freelance Isn't Free	0	0	0	1	0
Delivery Workers Law	-	-	-	-	0
Commuter Benefits	1	0	0	0	0
Other	0	0	1	0	0
Days to Resolution	48	66	221	177	67
Paid Safe and Sick Leave	189	173	185	209	172
Fair Workweek	64	162	318	333	400
Fast Food	63	225	458	337	596
Just Cause	-	-	-	101	93
Retail	64	81	225	328	302
Utility Safety	-	-	-	-	0
Freelance Isn't Free	31	54	238	170	56
Delivery Workers Law	-	-	-	-	33
Commuter Benefits	73	91	0	28	19
Other	0	36	372	122	0

Notes: 1) “Complaints” consists of all worker protection complaints received by the agency. In prior publications, only complaints associated with DCWP investigations or Freelancer Navigation cases were included. A complaint may not result in an investigation or Freelancer Navigation case if a complainant withdraws or DCWP determines the allegation is outside of its jurisdiction prior to opening the investigation or navigation case. Additionally, some complaints are linked to existing investigations rather than resulting in the initiation of new investigations. 2) If a complaint or enforcement action encompasses multiple laws, it is included in the statistics for each law. 3) For ease of presentation, Freelancer Navigation cases are shown as “Investigations,” though navigation services differ from traditional investigations. 4) A small number of Fair Workweek complaints do not have an industry identified. These are included in the “Fair Workweek” total but not in the breakdown by industry. 5) “Other” consists of complaints or investigations regarding the Temporary Schedule Change, Grocery Worker Retention, or Living or Prevailing Wage laws, complaints regarding worker protections that are outside DCWP’s jurisdiction, and complaints where the area of law was unidentified. 6) “Cases Filed” excludes prosecutions where litigation was limited to procedural violations by the employer, such as failure to respond to document demands. 7) “Cases Filed” counts each investigation resulting in litigation once, based on date of first petition. In prior publications, initial and subsequent petitions from the same investigation were each counted separately. 8) “Days to Resolution” is the median days between the start of an investigation or Freelancer Navigation case and its resolution. In prior publications, mean days rather than median days were reported. 9) “Days to Resolution” is limited to investigations or Freelancer Navigation cases initiated by a complaint.

Table 4. Worker Protection Restitution and Penalties, 2018-2022

	2018	2019	2020	2021	2022
Restitution	\$2,689,614	\$3,194,725	\$1,247,510	\$4,210,933	\$23,369,650
Paid Safe and Sick Leave	\$1,751,074	\$1,823,951	\$498,455	\$2,929,090	\$5,986,738
Fair Workweek	\$203,441	\$751,830	\$453,692	\$662,279	\$16,943,036
Fast Food	\$169,639	\$682,963	\$313,421	\$565,933	\$16,829,046
Just Cause	-	-	-	\$4,400	\$14,600
Retail	\$33,801	\$68,867	\$140,271	\$96,347	\$113,990
Utility Safety	-	-	-	-	\$0
Freelance Isn't Free	\$735,100	\$618,945	\$283,864	\$619,564	\$439,877
Commuter Benefits	\$0	\$0	\$0	\$0	\$0
Delivery Workers Law	-	-	-	-	\$0
Other	\$0	\$0	\$11,500	\$0	\$0
Covered Workers	7,746	7,700	1,279	8,208	16,491
Paid Safe and Sick Leave	7,484	7,208	1,120	7,905	14,442
Fair Workweek	1,274	1,918	458	383	15,738
Fast Food	1,176	1,888	238	299	15,672
Just Cause	-	-	-	2	3
Retail	98	30	220	84	66
Utility Safety	-	-	-	-	0
Freelance Isn't Free	223	207	81	123	122
Commuter Benefits	0	0	0	0	0
Delivery Workers Law	-	-	-	-	0
Other	0	0	2	0	0
Penalties	\$468,067	\$511,089	\$212,014	\$269,658	\$1,315,216
Paid Safe and Sick Leave	\$412,251	\$339,641	\$126,966	\$170,568	\$398,195
Fair Workweek	\$55,815	\$171,448	\$85,048	\$99,090	\$917,021
Fast Food	\$45,020	\$127,219	\$65,209	\$63,998	\$885,559
Just Cause	-	-	-	\$1,600	\$4,798
Retail	\$10,795	\$44,230	\$19,839	\$35,092	\$31,462
Utility Safety	-	-	-	-	\$0

Freelance Isn't Free	\$0	\$0	\$0	\$0	\$0
Commuter Benefits	\$0	\$0	\$0	\$0	\$0
Delivery Workers Law	-	-	-	-	\$0
Other	\$0	\$0	\$0	\$0	\$0

Notes: 1) "Restitution," "Covered Workers," and "Penalties" describe the terms of settlements or orders that resolved DCWP investigations or litigation, and for Freelance Isn't Free, the private resolutions self-reported by participants in the Freelancers Navigation Program. All other private resolutions are excluded. In prior publications, a small number of private resolutions under Paid Safe and Sick Leave and Fair Workweek were included. 2) If a settlement or order encompasses multiple laws, the number of covered workers are included in the statistics for each law, and restitution and penalties are attributed proportionately based on DCWP's historical experience enforcing each law. In prior publications, if a settlement or order encompassed multiple laws, the total restitution and penalties were included in the statistics for each law. 3) "Other" consists of investigations regarding the Temporary Schedule Change, Grocery Worker Retention, or Living or Prevailing Wage laws.

Table 5. Worker Protection Investigations, by Type of Resolution, 2018-2022

	2018	2019	2020	2021	2022
Settlements	248	188	112	124	105
Paid Safe and Sick Leave	241	171	102	114	95
Fair Workweek	16	48	16	24	18
Fast Food	10	33	7	12	13
Just Cause	-	-	-	1	3
Retail	6	15	9	12	5
Utility Safety	-	-	-	-	0
Freelance Isn't Free	0	0	0	0	0
Commuter Benefits	0	0	0	0	0
Delivery Workers Law	-	-	-	-	-
Other	0	0	2	0	0
Decisions	6	2	1	2	1
Paid Safe and Sick Leave	6	2	1	2	1
Fair Workweek	0	0	0	0	0
Fast Food	0	0	0	0	0
Just Cause	-	-	-	0	0
Retail	0	0	0	0	0
Utility Safety	-	-	-	-	0
Freelance Isn't Free	0	0	0	0	0
Commuter Benefits	0	0	0	0	0
Delivery Workers Law	-	-	-	-	0
Other	0	0	0	0	0
Administrative Closure	629	709	447	653	492
Paid Safe and Sick Leave	140	82	91	122	100
Fair Workweek	32	35	16	15	15
Fast Food	19	19	7	5	6
Just Cause	-	-	-	0	2
Retail	13	16	9	10	9
Utility Safety	-	-	-	-	0
Freelance Isn't Free	463	596	341	512	354
Commuter Benefits	1	2	0	2	7

Delivery Workers Law	-	-	-	-	18
Other	0	1	0	2	0

Notes: 1) If an investigation encompasses multiple laws, it is included in the statistics for each law. 2) “Decisions” refers to all decisions or orders that resolve DCWP litigation under a worker protection law, whether issued by DCWP or a court. 2) “Other” consists of investigations regarding the Temporary Schedule Change, Grocery Worker Retention, or Living or Prevailing Wage laws. 3) Matters are considered administratively closed if the complainant withdraws or is unresponsive after the investigation or navigation case is initiated, if DCWP concludes there is insufficient evidence to proceed with enforcement, if DCWP consolidates multiple investigations into one open investigation, if DCWP obtains an employer’s commitment to take corrective action without entering into a settlement agreement, or if the matter is closed following a private resolution. In prior publications, some investigations that closed following a private resolution were categorized as settlements. 4) With rare exceptions, Freelance Isn’t Free matters are administratively closed because DCWP provides navigation services to Freelancers rather than traditional investigation.

Table 6. Paid Safe and Sick Leave Complaints, by Allegation, 2018-2022

	2018	2019	2020	2021	2022
Complaints	360	341	351	388	221
Did not allow use	114	89	36	42	49
Did not allow use to care for family members	4	12	2	2	2
Did not frontload correctly	2	0	0	0	0
Did not pay for use	177	188	122	66	104
Did not provide adequate notice	10	13	1	2	2
Did not provide correct accrual	18	19	9	6	25
Did not provide correct carryover	49	24	6	2	2
Did not provide notice of employee rights	150	141	67	21	32
Did not reinstate safe or sick time	3	1	0	1	2
Did not transfer accrual with job	1	1	1	1	1
Failed to maintain adequate policy	73	153	124	37	108
Failed to maintain records	4	8	1	1	2
Failed to provide reasonable accommodation	1	4	0	0	3
Interfered with use	20	44	38	5	47
Paid incorrect rate	12	13	2	1	2
Paid late	2	1	0	3	1
Required documentation	33	44	18	12	11
Required EE to find replacement	7	10	3	3	1
Required EE to make up time	7	4	2	0	1
Required or disclosed medical info	4	3	2	4	1
Required or disclosed safe leave info	0	0	0	1	1
Required unreasonable notice	5	1	0	2	1
Required use	2	0	0	0	0
Restricted use	35	93	44	15	26
Retaliated (incl. threats)	105	137	56	48	85

Notes: 1) “Complaints” consists of Paid Safe and Sick complaints received by the agency. In prior publications, only complaints associated with DCWP investigations were included. A complaint may not result in an investigation if a complainant withdraws or DCWP determines the allegation is outside of its jurisdiction prior to opening the investigation. Additionally, some complaints are linked to existing investigations rather than resulting in the initiation of new investigations. 2) Complaints may include multiple Paid Safe and Sick Leave allegations. 3) Some complaint records may not indicate any specific allegation. These are included in “Complaints” but are not reflected under any allegation category.

Table 7. Freelance Isn't Free Complaints, by Allegation, 2018-2022

	2018	2019	2020	2021	2022
Complaints	551	698	499	283	428
Changing the scope or nature of work after it began	7	21	6	4	4
Failure to include the required contract terms	0	0	0	1	22
Retaliation	12	65	35	26	32
Unlawful Payment Practices	222	665	468	190	410
Failure or refusal to enter into a written contract	27	91	51	22	45

Notes: 1) "Complaints" consists of all Freelance Isn't Free complaints received by the agency. In prior publications, only complaints resulting in Freelancer Navigation services were included. A complaint may not result in Freelancer Navigation if a complainant withdraws or DCWP determines the allegation is outside of its jurisdiction prior to opening the navigation case. 2) Complaints may include multiple Freelance Isn't Free allegations. 3) Some complaint records may not indicate any specific allegation. These are included in "Complaints" but are not reflected under any allegation category. 4) The categories shown reflect groupings of more detailed allegations. Prior year numbers have been updated to reflect a revised grouping. 5) If a complaint includes multiple allegations within a category, it is counted only once within that category. In prior publications, it was counted once for each detailed allegation.

Table 8. Paid Care Worker Complaints and Enforcement, 2018-2022

	2018	2019	2020	2021	2022
Complaints	22	22	32	21	17
Investigations Opened	19	15	23	17	21
Investigations Closed	55	18	20	21	16
Cases Filed	11	1	0	0	1
Restitution	\$171,206	\$540,031	\$9,838	\$2,182,908	\$45,820
Covered Workers	757	4,491	10	6,762	55

Notes: 1) "Complaints" consists of all complaints in which a paid care worker alleges violation of a DCWP law. In prior publications, only complaints associated with DCWP investigations or Freelancer Navigation cases were included. A complaint may not result in an investigation or Freelancer Navigation case if a complainant withdraws or DCWP determines the allegation is outside of its jurisdiction prior to opening the investigation or navigation case. Additionally, some complaints are linked to existing investigations rather than resulting in the initiation of new investigations. 2) For ease of presentation, Freelancer Navigation cases are included within "Investigations," though navigation services differ from traditional investigations. 3) "Cases Filed" excludes prosecutions where litigation was limited to procedural violations by the employer, such as failure to respond to document demands. 4) "Cases Filed" counts each matter resulting in litigation once, based on date of first petition. In prior publications, initial and subsequent petitions were counted separately. 5) "Restitution" and "Covered Workers" summarizes the terms of settlements or orders that resolved DCWP investigations and, for Freelance Isn't Free, private resolutions self-reported by participants in the Freelancers Navigation Program. All other private resolutions are excluded. 6) Prior-year numbers have been updated to reflect improved coding of which complaints, investigations, and Freelancer Navigation cases involve a paid care worker.