

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

Table 1. Office of Labor Policy & Standards (OLPS) Staffing, 2023

Staff	44
Investigators	15
Attorneys	15
Data and Research	7
Intake, Operations, and Navigation	6
Outreach and Advocacy	1

Notes: 1) Staff counts are as of December 31, 2023. 2) "Navigation" refers to the Freelance Isn't Free Navigation Service. 3) OLPS Outreach and Advocacy staff includes the Paid Care Advocate. 4) 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, 2023

Intakes	3,690
Outreach Events	192

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

Table 3. Worker Protection Enforcement Volumes, 2023

Complaints	1,311
Paid Safe and Sick Leave	298
Fair Workweek	200
Fast Food	159
Just Cause	56
Retail	34
Utility Safety	7
Freelance Isn't Free	612
Delivery Workers Law	145
Commuter Benefits	12
Other	58
Investigations Opened	371
Paid Safe and Sick Leave	255
Fair Workweek	76
Fast Food	55
Just Cause	25

Retail	21
Utility Safety	0
Freelance Isn't Free	1
Delivery Workers Law	48
Commuter Benefits	7
Other	3
Investigations Closed	312
Paid Safe and Sick Leave	223
Fair Workweek	67
Fast Food	53
Just Cause	26
Retail	14
Utility Safety	0
Freelance Isn't Free	1
Delivery Workers Law	33
Commuter Benefits	5
Other	4
Cases Filed	4
Paid Safe and Sick Leave	3
Fair Workweek	1
Fast Food	1
Just Cause	1
Retail	0
Utility Safety	0
Freelance Isn't Free	0
Delivery Workers Law	0
Commuter Benefits	0
Other	0
Days to Resolution	141
Paid Safe and Sick Leave	160
Fair Workweek	156
Fast Food	185
Just Cause	152
Retail	86
Utility Safety	-
Freelance Isn't Free	496
Delivery Workers Law	110
Commuter Benefits	63
Other	269

Notes: 1) If a complaint or enforcement action encompasses multiple laws, it is included in the statistics for each law. 2) Complainants can select the Fair Workweek "industry" in DCWP's online complaint filing system; complainants' selections are not necessarily accurate. If a Fair Workweek complaint does not have an industry identified, it is included in the "Fair Workweek" total but not in the breakdown by industry. 3) Freelance Isn't Free "Investigations Opened," "Investigations Closed," "Cases Filed," and "Days to Resolution" refer exclusively to actions jointly handled by DCWP and the Law Department under the Freelance Isn't Free Act's pattern and practice authority. Freelance Isn't Free navigation services, which do not involve investigation or enforcement

action, are reported in Table 6. Complaints from freelancers can result in navigation or pattern and practice enforcement, and so “Freelance Isn’t Free Complaints” are reported both in this table and in Table 6. 4) “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. 5) “Cases Filed” excludes prosecutions where litigation was limited to procedural violations by the respondent, such as failure to respond to document demands. 6) “Days to Resolution” is the median days between the start of an investigation and its resolution and is limited to investigations initiated by a complaint. 7) A complaint may not result in an investigation if a complainant withdraws, DCWP determines the allegation is outside of its jurisdiction, or it is a Freelance Isn’t Free complaint, which is typically addressed through the Freelance Isn’t Free navigation service. Additionally, some complaints are linked to existing investigations rather than resulting in the initiation of new investigations.

Table 4. Worker Protection Restitution and Penalties, 2023

Restitution	\$12,189,338
Paid Safe and Sick Leave	\$3,145,796
Fair Workweek	\$8,294,282
Fast Food	\$8,242,074
Just Cause	\$102,706
Retail	\$52,208
Utility Safety	\$0
Freelance Isn’t Free	\$276,485
Delivery Workers Law	\$24,297
Commuter Benefits	\$0
Other	\$369,850
Covered Workers	9,580
Paid Safe and Sick Leave	6,758
Fair Workweek	7,405
Fast Food	7,276
Just Cause	34
Retail	114
Utility Safety	0
Freelance Isn’t Free	41
Delivery Workers Law	17
Commuter Benefits	0
Other	44
Penalties	\$1,307,217
Paid Safe and Sick Leave	\$434,968
Fair Workweek	\$828,158
Fast Food	\$802,408
Just Cause	\$14,750
Retail	\$11,001
Utility Safety	\$0
Freelance Isn’t Free	\$17,500
Delivery Workers Law	\$0
Commuter Benefits	\$0
Other	\$27,590

Notes: 1) "Restitution," "Covered Workers," and "Penalties" describe the terms of settlements or orders that resolved DCWP investigations or litigation. 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. 3) Freelance Isn't Free "Restitution," "Covered Workers," and "Penalties" refer exclusively to actions jointly handled by DCWP and the Law Department under the Freelance Isn't Free Act's pattern and practice authority. Freelance Isn't Free navigation services, which do not involve investigation or enforcement action, are reported in Table 6. 4) "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, 2023

Settlements	138
Paid Safe and Sick Leave	96
Fair Workweek	33
Fast Food	28
Just Cause	12
Retail	5
Utility Safety	0
Freelance Isn't Free	1
Delivery Workers Law	17
Commuter Benefits	0
Other	3
Decisions	1
Paid Safe and Sick Leave	1
Fair Workweek	1
Fast Food	1
Just Cause	0
Retail	0
Utility Safety	0
Freelance Isn't Free	0
Delivery Workers Law	0
Commuter Benefits	0
Other	0
Administrative Closure	173
Paid Safe and Sick Leave	126
Fair Workweek	33
Fast Food	24
Just Cause	14
Retail	9
Utility Safety	0
Freelance Isn't Free	0
Delivery Workers Law	16
Commuter Benefits	5
Other	1

Notes: 1) If an investigation encompasses multiple laws, it is included in the statistics for each law. 2) "Settlements" includes resolutions by consent order, informal agreement between DCWP and the respondent,

and case closure following private resolution between the respondent and complainant(s). 3) *Freelance Isn't Free* "Settlements," "Decisions," and "Administrative Closure" refer exclusively to actions jointly handled by DCWP and the Law Department under the *Freelance Isn't Free Act's* pattern and practice authority. *Freelance Isn't Free* navigation services, which do not involve investigation or enforcement action, are reported in Table 6. 4) "Other" consists of investigations regarding the *Temporary Schedule Change, Grocery Worker Retention, or Living or Prevailing Wage* laws. 5) "Decisions" refers to all decisions or orders that resolve DCWP litigation under a worker protection law, whether issued by DCWP or a court. 6) Investigations are considered administratively closed if the complainant withdraws or is unresponsive after the investigation is initiated, if DCWP concludes there is insufficient evidence to proceed with enforcement, or if DCWP consolidates multiple investigations into one open investigation.

Table 6. Freelance Isn't Free Navigation Services, 2023

Complaints	612
Cases Opened	609
Cases Closed	415
Days to Resolution	75
Complaints Resulting in a Recovery (self-reported)	97
Amount Recovered by Complainants (self-reported)	\$365,149

Notes: 1) "Complaints" under the *Freelance Isn't Free* law are reported both here and in Table 3. 2) "Cases Opened," "Cases Closed," "Days to Resolution," "Complaints Resulting in a Recovery," and "Amount Recovered by Complainants" exclude actions jointly handled by DCWP and the Law Department under the *Freelance Isn't Free Act's* pattern and practice authority, which are reported in Tables 3, 4, and 5. 3) "Days to Resolution" is the median days between the start of the navigation service and its completion. 4) "Complaints Resulting in a Recovery" and "Amount Recovered by Complainants" are self-reported by complainants and so undercount the true totals. 5) A complaint may not result in a navigation case if a complainant withdraws or DCWP determines the allegation is outside of its jurisdiction.

Table 7. Paid Safe and Sick Leave Complaints, by Allegation, 2023

Complaints	298
Did not allow use	55
Did not allow use to care for family member	3
Did not frontload correctly	1
Did not pay for use	135
Did not provide adequate notice	4
Did not provide correct accrual	23
Did not provide correct carryover	7
Did not provide notice of employee rights	29
Did not reinstate safe or sick time	1
Did not transfer accrual with job	1
Failed to maintain adequate policy	111
Failed to maintain records	8
Failed to provide reasonable accommodation	0
Interfered with use	0
Paid incorrect rate	1
Paid late	0
Required documentation	14

Required EE to find replacement	0
Required EE to make up time	1
Required or disclosed medical info	2
Required or disclosed safe leave info	1
Required unreasonable notice	3
Required use	31
Restricted use	0
Retaliated (including threats)	101

Notes: 1) Complaints may include multiple Paid Safe and Sick Leave allegations. 2) Some Paid Safe and Sick Leave complaint records may not indicate any specific allegation, or allegations that are out-of-scope of the law. These are included in "Complaints" but are not reflected under any allegation category.

Table 8. Freelance Isn't Free Complaints, by Allegation, 2023

Complaints	612
Changing the scope or nature of work after it began	3
Failure or refusal to enter into a written contract	17
Failure to include the required contract terms	102
Retaliation	81
Unlawful Payment Practices	594

Notes: 1) Complaints may include multiple Freelance Isn't Free allegations. 2) Some Freelance Isn't Free complaint records may not indicate any specific allegation, or allegations that are out-of-scope of the law. These are included in "Complaints" but are not reflected under any allegation category.

Table 9. Fair Workweek Complaints, by Allegation, 2023

Complaints	200
Added shift without consent	13
Addition of hours without consent	17
Cancelled shift within 72 hours	12
Did not post notice of employee rights	3
Did not provide access to hours	53
Did not provide notice of employee rights	2
Did not provide regular schedule	49
Did not provide worker with records	0
Disclosed protected schedule	0
Failed to post/provide schedule	64
Failed to provide "premium pay"	35
Failed to update schedule	13
Failure to provide notice of discharge	3
Failure to reinstate	0
Failure to restore hours	1
Regular schedule incomplete/noncompliant	45
Retaliation	22
Schedule incomplete/noncompliant	4

Scheduled call-in shift	2
Scheduled on-call shift	2
Unlawful clopening	4
Wrongful reduction in hours	38
Wrongful termination	23

Notes: 1) Complaints may include multiple Fair Workweek allegations. 2) Some Fair Workweek complaint records may not indicate any specific allegation, or allegations that are out-of-scope of the law. These are included in "Complaints" but are not reflected under any allegation category.

Table 10. Delivery Worker Complaints, by Allegation, 2023

Complaints	145
Bags: did not provide	5
Bathroom Access	7
Did not provide notice of rights	1
Failed to disclose delivery info	9
Pay: below minimum rate	41
Pay: failure to pay within one week	34
Pay: inaccurate or missing disclosure	7
Pay: no 1-day summary	1
Retaliation	38
Tip: inaccurate or missing disclosure	6
Trips: can't change parameters	4
Trips: can't set Bridges and Tunnels	3
Trips: can't set distance	1
Trips: offer violates parameters	7

Notes: 1) Complaints may include multiple Delivery Worker Law allegations. 2) Some Delivery Worker Law complaint records may not indicate any specific allegation, or allegations that are out-of-scope of the law. These are included in "Complaints" but are not reflected under any allegation category.

Table 11. Paid Care Worker Complaints and Enforcement, 2023

Complaints	32
Investigations Opened	27
Investigations Closed	24
Cases Filed	1
Restitution	\$94,586
Covered Workers	13

Notes: 1) For ease of presentation, in this table statistics on the Freelance Isn't Free navigation service and DCWP's Paid Care mediation service are included within "Investigations Opened," "Investigations Closed," "Restitution," and "Covered Workers," though navigation and paid care mediation differ from traditional enforcement and have different terminology. Navigation and mediation do not involve litigation, and so are excluded from this measure. 2) "Cases Filed" excludes prosecutions where litigation was limited to procedural violations by the respondent, such as failure to respond to document demands. 3) A complaint may not result in an investigation, mediation, or Freelance Isn't Free Navigation case if a complainant withdraws or DCWP determines the allegation is outside of its jurisdiction. Additionally, some complaints are linked to existing investigations rather than resulting in the initiation of new investigations.