

**Testimony of Deputy Commissioner Benjamin Holt
New York City Department of Consumer and Worker Protection**

**Before the Committee on
Civil Service & Labor**

Oversight Hearing on How to Strengthen Workers' Rights in NYC

February 23, 2022

Introduction

Good morning, Chair De La Rosa and members of the Committee on Civil Service and Labor. I am Benjamin Holt, Deputy Commissioner at the Department of Consumer and Worker Protection (DCWP) for the Office of Labor Policy and Standards. I am joined by Steven Ettannani, our agency's Executive Director of External Affairs. Thank you for the opportunity to be here today to discuss DCWP's protections for private sector workers.

DCWP conducts outreach and education, research and advocacy, and enforcement of city workplace laws. New York City's workplace laws include, among others, the Paid Safe and Sick Leave law, the Fair Workweek law for fast food and retail workers, the Freelance Isn't Free Act for independent contractors, and legislation passed last year to stand up groundbreaking protections for third-party food delivery workers. These laws strive to promote greater economic and job stability for workers, whether that's the ability to stay home to take care of oneself or a loved one who is sick with COVID-19, to know when you are working so you can plan your childcare or second job, to know you will be paid for your hard work, or to have greater control over your delivery routes.

Our agency administers these laws on behalf of workers, recovering restitution for violations and promoting compliance going forward. In doing so, we place great emphasis on: creating plain language materials for both workers and employers; prioritizing retaliation protections, which are essential to making rights real by fast-tracking complaints about retaliatory firings and other adverse actions; emphasizing that immigration status is irrelevant to coverage and that all workers can contact us confidentially and in confidence; and looking beyond individual complaints to ensure that workplace-wide compliance with the law is at the center of our work.

Education and Enforcement during the Pandemic

During the past two years, the COVID-19 pandemic has highlighted how vital worker protections are and always will be for New Yorkers. The pandemic continues to bring unprecedented economic hardships for New York City's working families. Not only the fear and uncertainty that enveloped our city since the early days of the emergency, but the real and abrupt disruptions to hundreds of thousands of workers with respect to their incomes, their schedules, and their jobs. And we must particularly recognize the sacrifices made, day in and day out, by essential workers to keep our city running during some of these most difficult moments and still today.

New York City's workplace laws, alongside protections at the federal and state levels, have been a critical resource for workers navigating COVID-19. During the pandemic, we have continued to enforce the City's workplace laws, done robust outreach and education, developed new materials tailored to the realities of the crisis, and have worked with Council on new protections both for this specific moment and beyond.

From the onset, we understood how vital it was to ensure workers knew about their rights within the context of COVID-19. Since March 2020, we have held more than 440 events dedicated to workers' issues. We collaborated with our city and community-based partners to develop inter-agency materials and resources for workers to promote critical workplace protections. For example, this past summer DCWP partnered with Test and Trace, the New York City Department of Health and others to distribute Paid Safe and Sick Leave law materials at COVID-19 testing locations and vaccine sites, citywide. Our ongoing educational efforts provide, in at least 14 languages, essential guidance on all the types of protections – city, state, and federal – available to workers, as well as safe practices for businesses operating under the reality of COVID-19.

We also adapted our processes to the new reality faced by workers in New York City, to make sure we were focusing our resources on the most pressing issues workers were facing. First, we adjusted our intake practice to be able to respond to a far higher volume of non-city issues most critical to workers because of COVID-19, such as workplace health & safety, unemployment insurance, and wage hour issues. Since March 2020, we have received close to 21,700 inquiries and complaints regarding worker protections, the majority for non-city issues which we were able to refer to appropriate agencies.

Second, when business reopening commenced in June of 2020, we stood up a new hotline for workers to reach us with questions or complaints about safe reopening practices. Furthermore, city enforcement agencies, including DCWP, coordinated with one another to conduct more than 315,000 health and safety inspections of businesses across the city. In 2021, city agencies again collaborated on close to 100,000 health and safety inspections during the Key to NYC initiative. This work ensured that our businesses were operating safely, for the benefit of our consumers, workers, employers and a sustainable recovery for our city.

And third, to achieve quicker results for workers impacted by COVID-19, we adjusted our enforcement process to give priority to COVID-19-related complaints and to streamline the fact-gathering and negotiation phases to, for example, more swiftly secure compensation for workers who took leave due to COVID-19 or affirm a worker's right to take care of a child whose school was closed. Overall, since the start of the pandemic, we secured \$5.5 million in restitution on behalf of nearly 9,500 workers. Making sure workers had access to their rights during the pandemic meant that we were not just protecting them, but also their families, their coworkers, their employers, and the public at large.

Expanding Workers' Rights in NYC

We have also worked collaboratively with Council to expand New York City's protections for workers, such as our Paid Safe and Sick Leave law, which provides leave to more than 3.6 million

workers in New York City. Local Law 97 of 2020 expanded paid safe and sick leave to 56 hours for more than 1.8 million workers, provided greater coverage for approximately 18,000 domestic workers, and made it easier for all eligible workers to use accrued leave to take care of themselves or their loved ones. Late last year we worked with Council to pass Local Law 172, which provided workers with an additional four hours of leave time, per injection, to get a child vaccinated or care for a child experiencing side effects from vaccination.

Furthermore, in partnership with the Council, we enacted unprecedented protections to support hundreds of thousands of essential workers in the fast-food, hotel, and food delivery industries. As a result of new just cause protections, fast-food workers can no longer be arbitrarily fired from their jobs and have a right to reclaim their former jobs if laid off or illegally fired. Long-time workers at hotels are entitled to up to 30 weeks of severance pay if they were laid off during the pandemic, and hotel workers also have a right to be retained at their place of employment for 90 days if a hotel is transferred or sold. And finally, third-party food delivery workers will have new, key rights to, among other things, better control their delivery routes, receive timely payment for their work, and have minimum pay rates to be set by DCWP later this year.

As Mayor Adams' has said, the priority of his administration is to serve working New Yorkers throughout the five boroughs, which means ensuring that they have dignity and economic justice in the workplace. Our recovery presents a once in a generation opportunity to make real change for New Yorkers, and the administration believes strongly in supporting New York City's workers and bringing meaningful change to their lives.

Conclusion

The City Council has always been a close partner in supporting private sector workers and developing the next generation of workplace laws. In this new term, we look forward to our continued collaboration during this unique moment and opportunity to realize workplace justice for New Yorkers.

Thank you again for the opportunity to testify today, and I look forward to your questions.