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New Protections for Domestic Workers Under the New Jersey Domestic Workers' Bill of Rights

New Jersey Gov. Phil Murphy has recently broadened protections for domestic workers by signing the New Jersey Domestic Workers' Bill of Rights (S723/A822) into law. Previously, domestic workers were not covered under the New Jersey State Wage and Hour Law or the New Jersey Law Against Discrimination. However, under the Domestic Workers' Bill of Rights that was signed into law on January 12 and goes into effect in July 2024, domestic workers will now be covered under these laws and have other significant employment rights. The Domestic Workers' Bill of Rights broadly defines domestic workers as "hourly and salaried employees, independent contractors, full-time and part-time individuals, and temporary individuals, each one of whom works for one or more employers, and works in residence caring for a child; serving as a companion or caretaker for a sick, convalescing, elderly, or disabled person; housekeeping or house cleaning; cooking; providing food or butler service; parking cars; cleaning laundry; gardening; personal organizing; or for any other domestic service purpose." While "domestic workers" are broadly defined under the Domestic Workers' Bill of Rights, it does exclude certain individuals from its protections, including, but not limited to, individuals providing care services for a family member, pet sitting, and operating a business out of a residence. The Domestic Workers' Bill of Rights provides heightened protections for domestic workers by:

- Requiring employers to provide domestic workers upon hiring with a notification of their rights under the Domestic Workers' Bill of Rights, along with a written agreement that governs the worker's job duties, hourly wage, and other employment matters.
- Requiring employers to provide domestic workers with mandatory meal breaks of 30 minutes after the individual works more than five consecutive hours. The 30-minute meal period is considered on-duty and thus computed into overtime calculations and compensable, unless the domestic worker is relieved of all work duties during that time period and allowed to leave the work site.
- Requiring employers to provide domestic workers with a break of 10 minutes for every four hours worked, unless the situation falls under certain exceptions that include the nature of the work preventing the domestic worker from being relieved from work for such period of time due to the nature of their job duties, which may include child care, or care of the infirm, elderly or disabled.
- Requiring employers to give two weeks' notice of termination to domestic workers and four weeks' notice of termination for live-in domestic workers.
- Requiring employers of live-in domestic workers to provide an unpaid day off after working six consecutive days for the same employer.
- Providing domestic workers with protections against discrimination and retaliation.
- Providing privacy rights to domestic workers.
- Creating procedural safeguards for violations of domestic workers' rights.

Looking Ahead

The Domestic Workers' Bill of Rights brings greater protections to domestic workers in New Jersey, and with greater employee protections comes a higher threshold of employer compliance. Notably, employers must provide domestic workers with written agreements that govern the worker's job duties, hourly wage, and other employment matters. Employers of domestic workers are encouraged to consult with counsel to ensure that such agreements and other policies and practices are compliant.

Authors



Rachel A. Gonzalez
Partner

Parsippany, NJ | (973) 966-8201

New York, NY | (212) 297-5800

rgonzalez@daypitney.com



Alexis Abuhadba
Associate

Parsippany, NJ | (973) 966-8113

aabuhadba@daypitney.com



James M. Leva
Partner

Parsippany, NJ | (973) 966-8416

Stamford, CT | (973) 966-8416

jleva@daypitney.com



Heather Weine Brochin
Partner

Parsippany, NJ | (973) 966-8199

New York, NY | (212)-297-5800

hbrochin@daypitney.com



Francine Esposito
Partner

Parsippany, NJ | (973) 966-8275

fesposito@daypitney.com



Theresa A. Kelly
Partner

Parsippany, NJ | (973) 966-8168

tkelly@daypitney.com



Daniel L. Schwartz
Partner

Stamford, CT | (203) 977-7536

New York, NY | (212) 297-5800

dlschwartz@daypitney.com



Glenn W. Dowd
Partner

Hartford, CT | (860) 275-0570

gwdowd@daypitney.com