

Gov. Murphy Signs Temporary Workers' Bill of Rights

February 10, 2023

Temporary workers in New Jersey received a major boost in employment rights this week as Governor Phil Murphy signed Bill A1474/S511 (the “Temporary Workers’ Bill of Rights”) into law on Monday, February 6, 2023. This is a first of its kind law in the United States and is expected to benefit over 127,000 temporary workers employed by at least 100 agencies statewide. The legislation, which will begin to take effect 90 days after its signing, will, among other things require businesses to pay temporary workers no less than the average rate of pay of the regular employees and to offer no less than the equivalent benefits.

The aim of the new law is to address discriminatory practices in the labor industry and promote gender and racial pay equity. Under the legislation, temp agencies will be required to keep written records of pertinent employment information in the worker’s preferred language, as well as English, including: the location of the worksite, the hours worked, the rate of pay for each worker, a copy of any contract pursuant to which the temporary worker is performing work, and any deductions from the worker’s pay. Under the legislation, deductions for meals and equipment will be prohibited if it could result in bringing the worker’s pay below minimum wage. It will also eliminate many of the fees temp agencies deduct from workers’ paychecks, including mandatory fees for the vans that take temps to their worksites each day.

Also included in the legislation are also anti-retaliation provisions and requirements that those hired by temp agencies be provided with key details about workers’ compensation and contact information for the state Department of Labor and Workforce Development. The new legislation allows a temporary worker to sue both the temporary labor agency as well as the third-party company for violations of the law, either individually or in class actions. Additional affirmative protections for temporary workers in the law include restrictions on prohibiting workers from accepting positions with a third-party client. Businesses and temp agencies that violate the law would be subject to civil penalties, including financial penalties, with each day of non-compliance constituting a separate offense.

If you have any questions concerning the new law, or any other federal or state employment laws, please contact Jennine DiSomma of Saiber LLC’s Employment and Labor Law practice.