
DOMESTIC WORKERS KNOW YOUR WORK RIGHTS






This presentation provides general information, not legal opinion.

- The NJ Register and the NJ Administrative Code remain the official sources for regulatory information published by the NJDOL. Regulations for the Domestic Workers Bill of Rights have not yet been published.

Check nj.gov/labor/domesticworkers for updates.

- These slides were drafted with the assistance of Generative AI.





Domestic workers deserve fair treatment, respectful working conditions, and proper compensation for the hard work they do.

- There are new protections under the [NJ Domestic Workers' Bill of Rights](#).
- The Domestic Workers' Bill of Rights went into effect July 1, 2024.



WHAT IS A DOMESTIC WORKER?



- They provide in-home services to private households, including childcare, house cleaning, care for elderly or disabled individuals, and cooking.
- See the legal definitions in the law.

Jobs covered by the Domestic Workers' Bill of Rights include:

- nannies
- child care providers
- babysitters
- caretakers or companions for elderly, disabled or convalescing individuals
- house cleaners, cooks, and gardeners.



IMMIGRANTS ARE COVERED, REGARDLESS OF STATUS:



NJDOL serves all workers regardless of their immigration or citizenship status.

We don't ask workers about their immigration or citizenship status.

NJDOL is a state department. We are separate from the federal government.

We have strong regulations to protect the personal information of workers.

NJDOL does not voluntarily share workers' personal information with federal immigration authorities.

If federal immigration authorities request the personal information of workers from NJDOL, they must present a valid subpoena or warrant signed by a judge.



CERTAIN HOUSEHOLD WORKERS ARE NOT COVERED UNDER THE DOMESTIC WORKERS' BILL OF RIGHTS:

TYPES OF WORKERS

- Family members (biological, in-laws, stepfamily)
- State and federal government employees
- Legal kinship guardians and Kinship Navigator Program caregivers
- Workers for a home-based business, like a home-based daycare

TYPES OF JOBS

- House-sitters, pet-sitters, dog-walkers
- Repair/maintenance roles: roofers, plumbers, masons, painters, etc.
- Casual workers: those with an irregular schedule and doing a job which differs from their usual job. For example, part-time babysitters



These workers may still be covered under other state workplace laws and benefits.
Learn more at myworkrights.nj.gov.



WHAT IS A HIRING ENTITY?

- **Under the Domestic Workers' Bill of Rights, a "hiring entity" can be a:**
 - Private household
 - **Employment agency:** a person/entity that obtains domestic workers for referral
 - **Referral agency:** a person/entity that obtains domestic worker services to place with households, directly or indirectly through placement in a physical or virtual labor pool
 - Internet-based or on-demand platform
- **A hiring entity can also be any person(s) acting directly or indirectly in the interest of the employer in relation to the domestic worker. They may also pay the domestic worker for their services, directly or indirectly.**
- **Some hiring entities are also employers.**
- **See the legal definitions in the law.**

A warm, yellow-toned photograph of a woman in profile looking at a baby. The woman has dark hair tied back and is wearing a light-colored top. The baby is looking towards the camera and is wearing a striped shirt. The background is softly blurred.

WHAT IS AN

EMPLOYER?

- An employer sets the terms of employment, like job duties, wages, and schedules.
- A private household – the owner or a resident – is often the employer



A photograph of a woman with dark hair tied back, smiling and looking towards a baby. The baby is wearing a striped shirt and a bib. The background is slightly blurred, showing what appears to be a kitchen or living area. The entire image is overlaid with a semi-transparent green filter.

WHAT IS A **JOINT EMPLOYER?**

- **Domestic workers can be jointly employed. Employers with overlapping employment relationships with another hiring entity can both be liable for violations of the Domestic Workers' Bill of Rights.**

For example, two households that share the services of an individual domestic worker could be joint employers of the domestic worker. Both would be liable for violations of the law.



RIGHT TO A **CONTRACT**



CONTRACT REQUIREMENTS



If you're a covered domestic worker that works five or more hours a month, your employer(s) must have a written contract with you.

It is against the law for your employer to retaliate against you for asking for a contract. It is their responsibility to create a contract for you.

If you are jointly employed by more than one entity, all the employers must sign the contract.

Employers must provide contracts in English and your preferred language.

Even if your employer fails to provide you your contract, your other rights still apply.

CONTRACTS MUST INCLUDE:



- Job duties



- Wages, including overtime



- Work schedule



- Payment frequency



- Breaks, sleeping periods, leave and paid holidays

- Transportation and housing details



- Term of contract

- Other agreed terms



CONTRACTS CANNOT:



- Waive legal protections under federal, state or local laws
- Mandate pre-dispute arbitration agreements
- Contain non-disclosure, non-competition, or non-disparagement agreements. These agreements limit what you can do or say after you leave your employer.
- Prevent you from performing domestic services after you leave your employer



NJDOL is posting model contracts in multiple languages as they become available on nj.gov/labor/domesticworkers



Employment and referral agencies are required to provide this model contract to your employer.



WORK RIGHTS NOTICE



Your employers must provide notice about your work rights and how to file a complaint, even if you work less than five hours per month.



The Domestic Workers' Bill of Rights requires NJDOL to publish a notice of employee rights. This notice will be developed through the rulemaking process and published on nj.gov/labor/domesticworkers.



RIGHT TO CORRECT PAY





MINIMUM WAGE AND OVERTIME

You are entitled to regular pay of at least the state minimum wage, and the rate agreed to when hired.

If you work over 40 hours per week, you are also entitled to 1.5 times your hourly rate for those hours.

Example: If you are paid \$20 an hour regularly, then the employer must pay you \$30 an hour (1.5 x \$20) for every hour worked over 40 hours each week.





NEW JERSEY'S MINIMUM WAGE

Date	Most Employers	Seasonal & Small Employers (fewer than 6)	Agricultural Employers	Cash for Tipped Workers	Wage for Long-Term Care Facility Direct Care Staff
January 1, 2020	\$11	\$10.30	\$10.30	\$3.13	\$11; \$14 as of 11/1/20
January 1, 2021	\$12	\$11.10	\$10.30	\$4.13	\$15
January 1, 2022	\$13	\$11.90	\$11.05	\$5.13	\$16
January 1, 2023	\$14.13	\$12.93	\$12.01	\$5.26	\$17.13
January 1, 2024	\$15.13	\$13.73	\$12.81	\$5.26	\$18.13
January 1, 2025*	\$15.49	\$14.53	\$13.40	\$5.62	\$18.49

*Minimum wage may continue to increase each January 1 based on a measure of inflation.

MW-570 (1/25)



REGULAR PAYDAYS



- Your employer must pay you:
 - Regularly
 - At least twice a month
 - No more than 10 days after the end of the pay period
- Your employer can't require you to accept direct deposit. Your employer must pay you by cash or check if you prefer.





PAY FOR ALL HOURS WORKED

An employer does not have to pay you when you leave the workplace for personal matters. However, you must be paid for your time at work.

Pay for being called in:

If you're called to work but sent home, you are due at least one hour of pay.

On-call time:

Counts as hours worked if you can't address personal matters while you wait. For example, you're called into work so frequently or your time is very restricted.

Live-in workers:

You must be paid for at least 8 hours for each day you are on duty.

Breaks:

In some, circumstances, your employer needs to pay you during your breaks.



PROPER CLASSIFICATION



Sometimes employers classify workers as independent contractors when they are really employees. Sometimes employers pay workers cash off the books.

If you are misclassified as an independent contractor or paid cash off the books, you're not at fault, but you could miss out on work rights and benefits.

Employers can face penalties, and you may be entitled to financial compensation.

Even if your employer is not registered with the state, and pays cash off the books, you're entitled to your rights under the Domestic Workers' Bill of Rights, **including a written contract.**



RIGHTS TO **BREAKS**





REST BREAKS

- Employers must provide 10-minute paid breaks every 4 hours.
- Employers cannot prevent or discourage rest breaks.

“On-duty” breaks

- “On-duty” breaks are allowed when the person being cared for cannot be left alone.
- During “on-duty” breaks, you can engage in personal activities.
- “On-duty” breaks require a written agreement with your employer.
- You must be paid your normal rate during “on-duty” breaks.
- You can opt out of the “on-duty” agreement in writing at any time.



MEAL BREAKS



- Employers must provide a 30-minute meal break after over 5 hours of work.
- Employers cannot prevent or discourage meal breaks.
- Meal breaks can be unpaid only if you are relieved of all duties and can leave the worksite. If you still have duties or you cannot leave, the meal break must be paid.

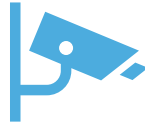
“On-duty” meal breaks

- “On-duty” meal breaks are allowed when the person being cared for cannot be left alone.
- “On-duty” meal breaks require a written agreement with your employer.
- You must be paid your normal rate during “on-duty” meal breaks.
- You can engage in personal activities during “on-duty” meal breaks.
- You can opt out of the “on-duty” agreement in writing at any time.

OTHER RIGHTS



RIGHT TO PRIVACY:



Employers cannot:

- Keep original copies of any personal documents (passports, visas, etc.)
- Monitor or record you:
 - Using a bathroom
 - In your living quarters
 - Where you get dressed
- They cannot monitor or interfere with your private communications, like phone calls and emails.





RIGHT TO A

HEALTHY SAFE AND WORKPLACE

The NJ Domestic Worker Bill of rights requires the Commissioner to adopt occupational safety and health standards. This will be done through the rulemaking which is still in process.



NOTICE BEFORE ENDING EMPLOYMENT



Your employer must notify you before ending your employment. For most workers, they must provide at least two weeks notice.

If they don't notify you properly, you may be entitled to receive severance pay based on your regular hours and pay.

There are some exceptions to the notification rule:

- If the worker committed significant misconduct, like abuse or neglect.
- If the domestic worker stays on their employment agency's payroll after a placement ends, the employer does not need to provide a termination notice while the worker waits for a new placement.
- If the domestic worker is employed by an individual, not an agency, and that individual no longer needs the services. For example, if a patient dies and no longer needs health care.



PROTECTION FROM DISCRIMINATION

With the passage of the Domestic Workers' Bill of Rights, domestic workers are now covered under the New Jersey Law Against Discrimination (LAD).

The New Jersey Law Against Discrimination (LAD) prohibits discrimination and harassment in employment, places of public accommodation, and housing based on certain characteristics. This includes race, nationality, gender, etc.

The NJ Division on Civil Rights enforces the New Jersey Law Against Discrimination. Visit njoag.gov/dcr for more or to file a complaint, or call 973-648-2700.



LIVE-IN WORKERS



LIVE-IN WORKERS



Some domestic workers live in their employer's home. Live-in workers have additional rights and protections.



Minimum Pay

You must be paid for at least 8 hours for each day you are on duty.



Breaks

If you live in your employer's home, you can't be required to work more than six days in a row for that employer without a 24-hour rest period. The 24-hour rest period can be unpaid.

FOOD AND LODGING

Under New Jersey law, an employer can credit the fair value of food and lodging that is provided toward any wages due. An employer does not need to take a credit for food and lodging, but they can choose to do so.

The employer can only charge you the actual cost of food and lodging. They cannot make a profit from the credit they are taking. They must keep records of the actual cost of food and/or lodging.



Employers cannot take a credit from your wages if:

- They can't determine and record the actual cost of food and lodging.
- If the lodging is not to code, for example, lacks heat or electricity.
- Providing food and lodging mainly benefits them. For example, you provide round-the-clock care or if your sleep is regularly interrupted by work, so you must live on-site.





CALCULATING WAGES WITH FOOD AND LODGING



- You work 40 hours/week at \$12/hour, which is below the state's minimum wage.
- Your employer provides food and lodging valued at \$400/week.
- Total wages: \$880/week (\$480 cash + \$400 food/lodging).
- Hourly rate: \$22/hour ($\$880 \div 40$ hours), which is above minimum wage.





SLEEP

The [Fair Labor Standards Act has requirements for sleep time](#). Under this law, there are situations where an employer can exclude up to eight hours of your on-site sleep from the time that you must be paid.

If your sleep time can be excluded, any interruptions to your sleep time by a call to duty must be paid. If you're interrupted so that you cannot get reasonable periods of sleep totaling at least five hours, the entire night must be paid.

The requirements vary, depending on if you are a "live-in" employee, and if your shift is more or less than 24 hours.

The [US Department of Labor enforces the Fair Labor Standards Act](#), not NJDOL. Learn more at dol.gov or contact them at: 609-538-8310 (Southern NJ) or 908-317-8611 (Northern NJ).



NOTICE BEFORE ENDING EMPLOYMENT



Your employer must notify you before ending your employment. For live-in workers, they must provide at least four weeks notice.

If they don't notify you properly, you may be entitled to receive severance pay based on your regular hours and pay.

There are some exceptions.



FILING A **COMPLAINT** AND RETALIATION





PROTECTION FROM RETALIATION



Your employer or agency cannot punish you for:

- Filing a complaint
- Talking about an alleged violation
- Talking about your rights
- Punishment includes threats, firing, cutting hours, or other adverse actions.

Employers that break this law may face fines and penalties.





ADDITIONAL PROTECTIONS FOR IMMIGRANT WORKERS:

Employers cannot disclose, or threaten to disclose, your immigration status to hide that they broke certain laws. If they do, they face bigger penalties.

Learn more at
[nj.gov/labor/immigrants.](https://nj.gov/labor/immigrants)



REBUTTABLE PRESUMPTION



If you report a violation or talk about rights, and face “adverse actions” within 90 days, NJDOL presumes it’s retaliation.

“Adverse actions” are those discouraging you from exercising your rights.

Your employer must prove it wasn’t retaliation. This is called a “rebuttable presumption.”

If you believe your employer has retaliated against you, you can file a complaint.

It is important to file a complaint as soon as possible because it helps with our investigation. You can write down details of what happened on the complaint form.



FILE A COMPLAIN

TViolations related to pay and hours worked, contracts, breaks, privacy, misclassification, notice and record requirements:

If your employer doesn't follow the law, you can file a complaint with NJDOL. If they break the law, they may face fines and penalties, and you may be eligible for backpay and other remedies.

- You don't need a Social Security Number to file a complaint.
- [File a complaint online](#) or call 609-292-2305.
- A trusted person can help file a complaint or contact NJDOL on your behalf.
- We have multilingual staff ready to assist you.
- We won't share your identity and other personally identifiable information with your employer without your permission.
[Click here for more information.](#)
- You can file an anonymous complaint, but investigations work best when we can contact you.



Violations related to discrimination:

- The NJ Division on Civil Rights enforces the NJ Law Against Discrimination. [Click here to find out more or to file a complaint](#), or call 973-648-2700.

WORKER BENEFITS



WORKERS' COMPENSATION

By law, every employer in New Jersey must have Workers' Compensation insurance for their employees.

Workers' Compensation provides medical treatment, wage replacement, and permanent disability compensation to employees who suffer job-related injuries or illnesses. If you are injured on the job, tell your employer.

Employers must provide you with written notice of insurance coverage and notice if a policy is canceled. Learn more at nj.gov/labor/wc.



UNEMPLOYMENT BENEFITS



If you lose your job or work hours through no fault of your own, you could be eligible for Unemployment Insurance.

- There are minimum earnings requirements. These requirements can be met across multiple employers.
- For earnings with your employer to count, you must have earned at least \$1,000 during the past or current calendar year with them.
- To apply, you must be authorized to work in the US.

Learn more at myunemployment.nj.gov.



NJ PAID FAMILY AND MEDICAL LEAVE

If you cannot work because you must care for your own or a loved one's illness or injury, bond with a new child, recover from pregnancy/childbirth, or cope with domestic/sexual violence, you could receive cash benefits.



- There are minimum earnings requirements. These requirements can be met across multiple employers.
- For earnings with your employer to count, you must have earned at least \$1,000 during the past or current calendar year with them.
- To apply, you must have a valid social security number.

Learn more about these programs at myleavebenefits.nj.gov.

If an employer is not registered with Employer Accounts, you could still be eligible for benefits, so still apply.

Your job(s) may also be protected under [State/Federal law](#).



EMPLOYEE RESPONSIBILITIES



EMPLOYER RESPONSIBILITIES

- Provide a written contract that follows the law
- Notify employees of their rights and don't retaliate
- Register as an employer and make tax contributions, when workers makes \$1,000 or more a year
- Provide Workers' Compensation Insurance
- Keep records on hours worked, pay rate, meal and rest breaks, leave time earned and used, and any existing written agreements.

Employers face penalties if they don't follow the law.



RESOURCE S



A photograph of a woman with dark hair tied back, smiling and looking towards a baby. The baby is wearing a striped shirt and a bib. The image is overlaid with a green tint.

RESOURCES

Learn more at nj.gov/labor/domesticworkers and find our outreach toolkit

Other worker rights: myworkrights.nj.gov

