

New York City considers 'Freelance Isn't Free' Law - AvvoStories

Thursday, May 5 2016, 3:42 PM



New York City considers 'Freelance Isn't Free' Law

MONEY, BUSINESS, NEWS

Apr 22, 2016

By [Gemma Alexander](#)

◀ 652

◀ 36

◀ 44

Getting paid can be one of the toughest aspects of working for yourself. [Freelance workers](#) don't belong to powerful unions and sometimes fall through labor law cracks. Often working in creative fields centered in urban areas, they can be doubly squeezed by high cost of living.

So, in an effort to protect its creative class, New York is considering a new law that would make it easier for freelance workers to pursue delinquent clients.

What's the problem?

There are 1.3 million independent workers in New York City. An [op-ed](#) coauthored by Sara Horowitz and Brad Lander (founder of the advocacy group Freelance Union and New York City Councilman, respectively) reports that more than 70 percent of the Big Apple's freelance workers have gone unpaid, received extremely late payments, or been paid less than the agreed upon amount for their work. On average, freelance workers in New York lose \$6,000 per year to delinquent clients. There are no reliable statistics outside of New York City, but anecdotal evidence indicates that nonpayment is not just a New York problem.

Failure to pay is [wage theft](#), and contract workers have legal recourse – theoretically – through small claims court. Many freelancers forego [written contracts](#) for fear of missing out on work that requires a quick turnaround, or for fear of appearing difficult to work with. With nothing more than an “oral contract” or series of emails to support their claim, success in court is far from guaranteed.

In New York, as in most—but not all—states, litigants can [hire an attorney](#) to represent them in small claims court. But freelancers who attempt to go it alone in a legal battle can find themselves outmatched by unscrupulous companies that would rather pay their attorneys than their creative workers. On top of the technical challenges, many freelancers work in highly competitive fields and can be discouraged from even attempting to collect overdue wages by the threat of being replaced or blackballed.

Knowing that freelance workers have limited ability to collect, many employers (whether cash-strapped themselves, dealing with an antiquated billing and payroll system, or simply unscrupulous) will delay payment for months. Some of them will finally offer partial payment to a worker desperate to pay the rent.

What's the solution?

The New York City Council, recognizing that a city's vitality depends as much on its independent graphic designers, stage actors, nannies, adjunct professors, and accountants as it does on salaried employees, is [considering a bill](#) to create new protections for those workers.

The Freelance Isn't Free Act would provide gig workers with many of the same protections regular employees enjoy by:

- Requiring all work to be under written contract
- Imposing civil and criminal penalties for payments after 30 days
- Awarding double damages plus attorney fees for cases that do end up in court

Councilman Brad Lander proposed the bill. He represents Brooklyn, where artists and gig-workers are numerous, but 27 members of the 51-member council have already expressed support for the bill at a [hearing](#) held on February 29.

With such strong support, Freelance Isn't Free should [progress](#) through the Council quickly. For nearly a third of the New York City workforce, that's extremely good news. And for millions of other gig-workers around the country, the New York City law could serve as a model for fairer freelance-client dealings.

- [6 Outrageously Wealthy Preachers Under Federal Investigation](#)
- [Sell your home without hiring a professional stager - AvvoStories](#)
- [Late filing your taxes? This small change could cost you - AvvoStories](#)
- [8 Signs You're Being Scammed on Craigslist - AvvoStories](#)

Recommended by

Tagged [employment](#), [small business](#)

[Leave a comment](#)