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July Tip of the Month: New York State's Freelance Isn't Free Act

On June 2, 2022, the New York State Legislature passed the Freelance Isn't Free Act (Act). Largely patterned after New York City's own, identically named law, the Act would amend the New York Labor Law to specify, among other things, (1) that agreements between freelancers and hiring parties must be in writing, (2) the timing according to which freelancers must be paid, and (3) that freelancers are protected from harassment and retaliation. Importantly, the law would broadly define freelance workers as "any natural person or organization composed of no more than one natural person ... *that is hired or retained as an independent contractor* by a hiring party to provide services in exchange for an amount equal to or greater than \$800, either by itself or when aggregated with all contracts for services between the same hiring party and freelance worker during the immediately preceding 120 days." If signed into law, the Act would take effect 180 days thereafter. Employers who engage freelance workers and independent contractors should begin preparing for the law's potential passage by reviewing their existing contracts to determine whether changes may be necessary.

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