

New Jersey's Domestic Workers Bill of Rights Takes Effect, Transforming Home Employment Laws

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As of July 1, 2024, the Domestic Workers Bill of Rights has taken effect here in New Jersey. Governor Phil Murphy signed the Domestic Workers Bill of Rights on January 12, 2024. This new law has fundamentally altered the nature of our economic relationships with workers in the home.

Under the Act, a “domestic worker” means any hourly or salaried employee (inclusive of full or part-time, live-in and live-out) and independent contractors who work in a residence for the purpose of providing any of these services:

- Caring for a child(ren)
- Serving as a companion or caretaker for a sick or elderly person with a disability
- Housekeeping and cleaning services
- Cooking or providing food or butler services
- Parking cars
- Cleaning laundry
- Gardening
- Personal organizing

The Act provides exemptions for certain types of short-term, familial, and non-domestic work, such as caring for a family member; engaging in house sitting, pet sitting, or dog walking; or operating a business primarily out of a residence.

The Act is expansive and applies to all work that exceeds five hours per month. Under the Act, domestic workers who work more than five hours per month must receive a written contract in the language preferred by the domestic worker, which must clearly outline their specific duties, pay, schedule, breaks, time off, and more. Notably, this contract may not require arbitration, may not prohibit the domestic worker from disclosing confidential information, and may not prohibit the worker from providing domestic services to a competitor.

Domestic workers must also be afforded an uninterrupted 30-minute meal break for every five hours worked and a 10-minute break for every four hours worked unless the nature of the work prevents the domestic worker from being relieved

for such a time period. Live-in domestic workers must also be given an unpaid day off after working six consecutive days for the same employer.

Additionally, domestic workers will receive many statutory protections previously unavailable under New Jersey Law, including protection under the New Jersey Law Against Discrimination and the New Jersey Wage and Hour Law. Further, employers are required to notify their domestic employees of their rights under the law.

In most cases, employers must provide a minimum of two weeks' notice to a domestic employee before terminating them. However, this can expand to a minimum of four weeks for live-in domestic employees, challenging the at-will nature of their employment.

Overall, the Act provides stringent protections to domestic workers and places considerable requirements on domestic employers, providing procedural safeguards for violations of domestic workers' rights. With fines upward of \$14,000, household employers and organizations that employ or place domestic workers are strongly encouraged to consult with labor and employment counsel to review policies and procedures and revise client/employment agreements to limit any potential exposure.