

Labor & Employment Law Alert – Governor Cuomo Continues to Focus on Worker Abuse in New York State

As part of a continuing effort to curb worker abuse in New York State, Governor Andrew Cuomo announced on October 14, 2015 that anti-retaliation and mediation units will be created within the State Labor Department to support the Task Force to Combat Worker Exploitation, a recently assembled multi-agency task force investigating alleged wage theft, child labor and other unlawful workplace practices by employers in New York State. According to the Governor, the Task Force has already opened 30 joint-agency enforcement cases across the state.

The anti-retaliation unit will work with all Task Force agencies to “combat the exploitation and misclassification of workers by immediately engaging an employer who faces an allegation of retaliation” and by seeking immediate remedies for employees. Prior to the unit becoming involved, allegations of retaliation will be investigated by the Task Force, which was appointed this past July to coincide with a new state law protecting nail salon workers.

The mediation unit is intended to permit “employers and employees to reach speedy resolution of workplace violations” during the pendency of an investigation, but before the issuance of an Order to Comply.

The State Labor Department and the other involved agencies are focused particularly on perceived worker abuses, such as wage theft and unsafe working conditions at restaurants, retail establishments, supermarkets, car washes, janitorial and cleaning services, landscaping and construction companies, home care and other industries.

This expanded enforcement effort underscores the need for New York employers to insure that their pay and employment practices are consistent with the requirements of state and federal wage and hour laws. The attorneys in the Labor and Employment Practice at Hancock Estabrook stand ready to assist employer clients in that regard.

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