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New Jersey DOL Takes Steps to Implement the Temporary Workers' Bill of Rights

Date May 25, 2023

Executive Summary: As discussed in our previous Alert, in February 2023, New Jersey enacted the “Temporary Workers’ Bill of Rights,” the most expansive law of its kind in the nation providing “temporary workers” with new rights and protections, including the right to receive pay equal to that of regular employees. This Alert discusses further steps taken by the New Jersey Department of Labor and Workforce Development (NJDOL) in implementing the law.

On May 7, 2023, the first effective date for the notice and anti-retaliation provisions of the Temporary Workers' Bill of Rights went into effect. The NJDOL issued a "Temporary Laborer Assignment Notification" form which temporary staffing agencies are required to complete and provide to all temporary workers when they are assigned a temporary position. Temporary agencies are required to use the NJDOL form found here, [https://www.nj.gov/labor/wageandhour/assets/PDFs/MW-23%20\(4-23\).pdf](https://www.nj.gov/labor/wageandhour/assets/PDFs/MW-23%20(4-23).pdf), and disclose detailed information about the assignment, including the name, address and contact information for the temporary staffing agency and the third-party employer; the applicable workers' compensation carrier; the temporary worker's assigned worksite, description of the position, schedule, wages and length of the assignment; and whether meals, equipment, training and transportation are provided and on what terms.

The remaining provisions of the law and those that impose the most risk and liability on employers go into effect on August 5, 2023. The employer provisions include record keeping requirements, wage and hour requirements, restrictions on transportation to/from worksites, registration requirements, and equal pay liability. The equal pay requirement imposes the greatest risk to employers as liability is shared between the temporary agency and the employer, and the employer can be held responsible for noncompliance of the temporary agency and vice-versa. Also, the cost for noncompliance is much higher.

The Bottom Line

Temporary service firms and employers utilizing temporary service firms should immediately review their hiring procedures, employment practices and guidelines to ensure compliance with New Jersey’s Temporary Workers’ Bill of Rights. **FordHarrison attorneys Nicole Falcey and Madjeen Garcon will host a complimentary webinar on the topic on June 14 at 1:00 (Eastern). “Takeaways, Guidance, and Implementation for Employers on New Jersey’s Temporary Workers Bill of Rights” will provide an overview of what employers need to know about their responsibilities under the law and specific actions to take to limit risk and reduce liability. To register for the webinar, click here.**

If you have any questions regarding the new law, please contact Nicole at nfalcey@fordharrison.com or Madjeen at mgarcon@fordharrison.com, or the FordHarrison attorney with whom you usually work.



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