



Legislation Text

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Int. No. 776

By Council Members Marte, Menin, Cabán and Sanchez

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting third-party grocery delivery services from requiring delivery workers to wear backpacks for deliveries on certain vehicles or to make deliveries of goods weighing more than 22 pounds in a single trip

Be it enacted by the Council as follows:

Section 1. Chapter 15 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 3 to read as follows:

SUBCHAPTER 3

GROCERY DELIVERY WORKERS

§ 20-1531 Definitions. For purposes of this subchapter, the following terms have the following meanings:

Bicycle. The term “bicycle” has the same meaning ascribed to such term in subdivision a of section 10-157.

Electric scooter. The term “electric scooter” has the same meaning ascribed to such term in section 114-e of the vehicle and traffic law.

Grocery delivery worker. The term “grocery delivery worker” means any natural person or any organization composed of no more than one natural person, whether or not incorporated or employing a trade name, who is hired, retained, or engaged as an independent contractor by a third-party grocery delivery service to deliver food, beverages, or other goods to a consumer in exchange for compensation.

Moped. The term “moped” has the same meaning ascribed to such term in subdivision a of section 19-

176.3.

Motorized scooter. The term “motorized scooter” has the same meaning ascribed to such term in subdivision a of section 19-176.2.

Third-party grocery delivery service. The term “third-party grocery delivery service” means a service that offers or facilitates the same-day delivery or same-day pickup of food, beverages, or other goods from an establishment, whether or not open to the public, that stocks such goods.

§ 20-1532 Backpacks. No third-party grocery delivery service shall require a grocery delivery worker to wear a backpack during a delivery made in whole or in part on a bicycle, electric scooter, motorized scooter or moped.

§ 20-1533 Weight of goods. No third-party grocery delivery service shall require a grocery delivery worker to make a single trip to deliver food, beverages, or other goods that weigh more than 22 pounds collectively.

§ 20-1534 Retaliation. No person shall take any adverse action against a grocery delivery worker that penalizes such worker for, or is reasonably likely to deter such worker from, exercising or attempting to exercise any right protected under this subchapter. Adverse actions include threats, intimidation, harassment, discipline, denial of work opportunities to or discrimination against a grocery delivery worker, reduction in hours or pay, reduction or downgrade of a workers’ public or internal rating, and other negative consequences imposed on a grocery delivery worker, including actions related to perceived immigration status or work authorization. A grocery delivery worker need not explicitly refer to this section to be protected from retaliation.

§ 20-1535 Remedies for grocery delivery workers. a. For violations of their rights under this subchapter, a grocery delivery worker shall be entitled to the following relief:

1. All compensatory damages and other relief required to make the worker or former worker whole;
2. An order directing compliance with the requirements set forth in this subchapter; and

3. For each violation of:

(a) Section 20-1534,

(1) \$500 for each violation not involving denial of future work opportunities;

(2) \$2,500 for each violation involving denial of future work opportunities; and

(3) Any equitable relief appropriate under the circumstances, including but not limited to payment of any lost earnings resulting from such retaliation.

(b) Section 20-1532, \$200; and

(c) Section 20-1533, \$200.

b. The relief authorized by this section shall be imposed on a per worker and per instance basis for each violation.

§ 20-1536 Civil penalties. a. For each violation of this subchapter, a third-party grocery delivery service is liable for a penalty of \$500 for the first violation and, for subsequent violations that occur within two years of any previous violation of this subchapter, up to \$750 for the second violation and up to \$1,000 for each succeeding violation.

b. The penalties imposed pursuant to this section shall be imposed on a per worker and per instance basis for each violation.

§ 20-1537 Enforcement by the corporation counsel. The corporation counsel or such other persons designated by the corporation counsel on behalf of the department may initiate in any court of competent jurisdiction any action or proceeding that may be appropriate or necessary for correction of any violation issued pursuant to section 20-1507, section 20-1535 or section 20-1536, including actions to secure permanent injunctions, enjoining any acts or practices that constitute such violation, mandating compliance with the provisions of this subchapter, or such other relief as may be appropriate.

§ 20-1538 Private cause of action. a. Any person alleging a violation of the following provisions of this subchapter may bring a civil action, in accordance with applicable law, in any court of competent jurisdiction:

1. Section 20-1532;

2. Section 20-1533; and

3. Section 20-1534.

b. Such court may order compensatory, injunctive and declaratory relief, including the remedies set forth in section 20-1535, and reasonable attorney's fees.

c. A civil action under this section shall be commenced within two years of the date the person knew or should have known of the alleged violation.

d. 1. Any person filing a civil action shall simultaneously serve notice of such action and a copy of the complaint upon the department. Failure to so serve a notice does not adversely affect any person's cause of action.

2. A worker need not file a complaint with the department pursuant to subdivision b of section 20-1507 before bringing a civil action; however, no person shall file a civil action after filing a complaint with the department unless such complaint has been withdrawn or dismissed without prejudice to further action.

3. No person shall file a complaint with the department after filing a civil action unless such action has been withdrawn or dismissed without prejudice to further action.

4. The commencement or pendency of a civil action by a worker does not preclude the department from investigating a third-party grocery delivery service or commencing, prosecuting or settling a case against a third-party grocery delivery service based on some or all of the same violations.

§ 20-1539 Rules. The commissioner shall promulgate rules necessary and appropriate to the administration and enforcement of this subchapter. Such rules shall address the availability of scales to grocery delivery workers for the purpose of enforcing the provisions of section 20-1533.

§ 2. This local law takes effect 90 days after it becomes law and does not apply to a contract or an agreement between a third-party grocery delivery service and a grocery delivery worker for delivery services entered into prior to the effective date of this local law.

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