At the beginning of this year, New Jersey Governor Phil Murphy signed a package of legislation aimed at protecting the rights of workers who have been misclassified as independent contractors. One of these new laws, Assembly Bill 5843, requires employers to post notices regarding employee misclassification. The New Jersey Department of Labor and Workforce Development has now published the required posting in two different sizes (11 x 17 and 8.5 x 11).

As a reminder, Assembly Bill 5843 requires employers to conspicuously post notices about misclassification in a form issued by the Commissioner of New Jersey’s Labor and Workforce Development (the “Commissioner”) containing the following information:

- The prohibition against employers misclassifying employees;
- The definition of employee versus independent contractor under state law;
- The benefits and protections to which an employee is entitled under New Jersey wage, benefit, and tax laws;
The remedies under New Jersey law to which workers affected by misclassification may be entitled; and

Information on how a worker or a worker’s authorized representative may contact, by telephone, mail and e-mail, a representative of the Commissioner to provide information to, or file a complaint with, the representative regarding possible worker misclassification.

Employers that violate this law will be subject to a fine of not less than $100 nor more than $1,000. The law also expressly prohibits retaliation against any employee for complaining about, filing an action regarding, or testifying in a proceeding about, worker misclassification. Any employer who violates the anti-retaliation provision must offer reinstatement to the aggrieved employee in addition to offering to pay the employee for any wages and benefits lost as a result of the discriminatory act.

Companies with operations in New Jersey should examine their policies and practices in light of this new law. Employers with questions concerning this new law or employee misclassification should consult with experienced employment counsel.

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