

January 31, 2025

## NEW YORK STATE ENACTS FASHION WORKERS ACT

The Fashion Workers Act **imposes requirements on businesses and persons who engage the services of a model**, including retailers, manufacturers, clothing designers, advertising agencies and photographers (Clients), in New York either directly or through intermediaries to protect certain rights of the model.

Effective June 19, 2025, Clients must do the following under the Act:

1. **Pay a model at an hourly rate that is at least 50% higher than the contracted hourly rate** for any engagement that exceeds eight hours in any 24-hour period;
2. **Provide at least one 30-minute meal break** for any engagement that exceeds eight hours in any 24-hour period;
3. **Only offer an engagement to a model that does not pose an “unreasonable risk of danger”**, which includes abuse, harassment or any other form of inappropriate behavior, to the model;
4. **Ensure that any engagement that requires nudity or other sexually explicit content** complies with the requirements of New York’s Civil Rights Law;
5. **Allow a model to be accompanied to the engagement** by their agent, manager, chaperone or other representative;
6. **Provide adequate liability insurance** for the health and safety of a model; and
7. **Obtain clear prior written consent for the use of a model’s digital replica.**

The Act also imposes requirements on a model management company, including a duty to register with the New York Department of Labor (NY DOL) and to act in a fiduciary capacity with respect to a model it represents.

The NY DOL is responsible for enforcement of the Act. A model may also file a complaint with the commissioner of the NY DOL within six years of the date of an alleged violation. Potential penalties are as specified in the commissioner’s notice to the business or person named in the complaint.

We are available to further analyze and discuss with you the requirements of the Act.

### ***Contacting Pavia & Harcourt LLP***

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### ***About Pavia & Harcourt LLP***

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