

Creative Workers: Know Your Worker Rights | July 16, 2024

Unanswered Questions from Webinar	New Answers
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as a freelance visual artist, does having an LLC or not affect putting these laws to use	The ownership structure of a freelancer does not affect the applicability of these laws. For example the Freelance Worker Protection Act would apply to you as an LLC or as an individual.
Internships, apprenticeships, fellowships, artist residencies?	We'd like to learn more about what questions you have about each of these. Please sign up for an upcoming office hours or reach out to us: https://outlook.office365.com/book/CulturalResourcesOfficeHours@chicagogov.onmicrosoft.com/ OR CulturalResources@cityofchicago.org
I'm in the cleaning industry but I would like to actually upscale my business by hiring more employees, are there a certain number of employees I must have ?	Neither the City nor the State has requirements which dictate the number of employees you have. Please note that once you have 4 or more employees then the City's minimum wage ordinance would take effect.
Webinar Questions (answered in the Q&A box or live)	Answer
Will the presentation be available after this workshop?	Yes, we will email the pdf of the presentation, and will also post the recording on BACP's YouTube Page.
Does the city/state define freelance work and independent contracting differently?	It depends. Under state law (Freelance Worker Protection Act), a person must be an independent contractor to gain protection under the freelance worker protection act. Illinois law is similar to other laws in terms of whether you are an employee or an independent contractor with small differences.
How do you find missed webinars?	This webinar, those from this campaign, and others from BACP can be found on BACP's YouTube: https://www.youtube.com/chicagobacp
Someone told me recently that companies have to pay freelancers within 30 days in Illinois. Is this true?	If the contract has no due date for payment, then it is to be paid within 30 days of completion of the work.
Does the FWPA stipulation of 120-day period mean regardless of calendar or fiscal year? Or is it beholden to a specified window/period?	it doesn't matter if it is a calendar or fiscal year.

<p>If I have a creative company and complete work for a client, does that mean my company is covered under law and the client has to pay within 30 days?</p>	<p>it depends. 1) is the company an independent contractor; 2) did the company provide services/products in Illinois or for a entity in Illinois; 3) is the value of work equal to or greater than 500 in a 120 period. If yes, then full payment is due by the due date of the contract or within 30 days of completing services (if no due date is specified)</p>
<p>Protections apply regardless of immigration status, for incarcerated workers/individuals with a felony on their record, or for individuals with mental or physical disabilities?</p>	<p>The City of Chicago labor laws apply to employees regardless of immigration status, prior criminal record, or mental/physical disabilities. Incarcerated individuals are not covered for work performed while incarcerated</p>
<p>Does the advanced notice apply to construction workers?</p>	<p>The construction industry is not covered under Fair Workweek</p>
<p>Does the advanced notice work schedule apply to construction workers? P.S. Sorry if I wasn't clear.</p>	<p>It does not.</p>
<p>What laws govern incarcerated workers? How do protections/requirements for those workers compare to the new labor laws being discussed here?</p>	<p>live answered</p>
<p>Where or who would be best to contact to ask a more detailed question about whether our specific job should qualify as an employee and not a contractor position?</p>	<p>live answered</p>
<p>My S-Corp is located in Chicago. If my company is to be paid by a client with the 30 days, does that law only apply to my clients located in Illinois?</p>	<p>live answered</p>
<p>Would I be protected if I have a contract that began prior to July 1, 2024 but ends 12/31/24?</p>	<p>live answered</p>
<p>Do these laws supercede union contracts or would you refer to the union contract ?</p>	<p>That would depend on when the union contract was ratified. If the contract was ratified prior to the implementation of the City of Chicago labor laws, the contract would supercede. If it was ratified after that date, the contract would have to explicitly state they are not adhering to the provisions of the ordinances.</p>
<p>Given the vary broad definition of creative worker, what data sets are being consulted to understand the population and how it changes overtime or in response to broader economic changes?</p>	<p>Great question, and the response is a layered one. For artists and arts workers, there is data that Univ. of Illinois has published in recent years, and data that the National Endowment for the Arts has published. The Chicago Arts Census has also begun to publish data that informs this campaign, using a broader definition akin to the one we use here. More broadly, national research on creative workers/independent workers from California, and research at the national level, has informed the campaign. Many of those sources are linked on the "Background" page of the website: https://www.chicago.gov/city/en/depts/dca/supp_info/creative_work0.html</p>

Given the vary broad definition of creative worker, what data sets are being consulted to understand the population and how it changes overtime or in response to broader economic changes?	DCASE has also looked at data from our own grantees and applicants to inform the campaign, including research led by SMU Data Arts: https://culturaldata.org/arts-and-culture-financial-and-operating-trends-in-chicago/overview/
So before I implemented my payroll I paid my workers some cash some cash app or Zelle but my real question is what the difference between payroll and certified payroll?	live answered
https://www.aclu.org/publications/captive-labor-exploitation-incarcerated-workers	live answered
https://www.aclu.org/publications/captive-labor-exploitation-incarcerated-workers	Thank you for sharing this resource!
If a contractor has signed a contract with an indemnification clause or clause that stipulates arbitration and legal actions cannot be taken, does this new law no longer apply?	live answered
What if an employer is found to have been misclassifying and thus underpaying employees for years. Is there a statute of limitations, and what kind of liability may they be subject to?	live answered
"If it was ratified after that date, the contract would have to explicitly state they are not adhering to the provisions of the ordinances." Is it legal to sign away your rights like that ?	Yes. If both the union and employer collectively bargain and give up certain rights to obtain additional benefits, a union contract cannot be broken. Again, as long as the contract explicity states they are waiving their right to the ordinance
What's the labor laws for high school students	live answered
What about employees that are non-union but work in a union environment ? Are they covered by the union contract or these laws ?	live answered
can you share the link to the contract templates?	We will send a pdf, with all the live links we shared in this presentation.
can you share the link to the contract templates?	If you scroll down the State's website, you'll see the contract template: https://labor.illinois.gov/laws-rules/legal/freelance-worker-protection-act