

## DANCE WORKER DIGEST | JUNE 2023

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By Dance/NYC

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This month's topics cover potential changes to the NYC zoning regulations, the Department of Labor's independent contractor classification, a new directory of BIPOC arts organizations, and gender disparity amongst resident choreographers.

#### Proposed changes to NYC zoning regulations could end dancing ban

While the ['Cabaret Law'](#)—a regulation that governed public dancing establishments—was [repealed by the New York City Council in 2017](#), the zoning codes dictating where dancing is permitted were not changed, effectively [leaving the prohibition on dancing](#) largely intact.

Mayor Adams recently outlined the need to change the zoning laws as part of the "City of Yes" initiative to spur economic growth and help small and new businesses. This would change the focus of dance regulation from the type of entertainment to the capacity of the business thus removing the dancing ban for businesses with a max occupancy of under 200 persons. Larger venues would remain limited to high-density/industrial zone city areas, and the current requirements for agency permits would remain in effect.

For the change to go into effect, the umbrella proposed zoning text amendment, "Zoning for Economic Opportunity," will be referred to community and borough boards, and borough presidents for review in the fall. The amendment then goes to the City Planning Commission for a public hearing and vote, followed by a hearing and vote in the City Council.

- [Review Dance/NYC's Candace Thompson-Zachery's comments in Planetizen's article on the zoning code](#)
- [NYC press release detailing the process for the proposed zoning amendment](#)
- [Visit a New York Times article detailing the original Cabaret Law](#)

#### U.S. Department of Labor considering changing independent contractor classification to pre-2021 rules

The US Department of Labor (DOL) is likely to return to pre-2021 rules regarding the analysis of whether a worker is an independent contractor or an employee. The DOL is reviewing public comments after proposing changes to 2021 guidelines for independent contractor classification under the Fair Labor Standards Act (FLSA).

In January 2021, the DOL published a rule designating that the degree of control over the work and worker's opportunity for profit or loss should carry more weight in determining employee status. However, the DOL [has cited conflicts](#) with the FLSA, and that the 2021 rule would have a confusing and disruptive effect on workers and businesses alike; hence, the new proposed rule in 2022. This new rule would reclassify workers that are "economically dependent" on a company to be considered employees instead of contractors, entitling them to more benefits and legal protections.

- [Learn more about the potential effect and changes on workers and businesses](#)
- [Read the text of proposed rule](#)

#### Dance Data Project® shows some gender disparity continues in global resident choreographers

The [Dance Data Project®](#) (DDP), a research and advocacy organization promoting gender equity in the dance industry, provides new research that suggests that women account for only 36% of global resident choreographers.

The DDP increased the number of prominent dance companies included in the annual study to 348 dance companies across ballet, contemporary, and modern dance, both in the U.S. and globally. The DDP's findings indicate:

- 89 companies employed a total of 116 resident choreographers (a higher number than in 2022), and of those 36% are women and 64% are men.
- There has been little change in the gender distribution of resident choreographers between 2022 and 2023.
- Companies with smaller operating budgets are managing to equitably hire women resident choreographers despite having more limited resources.

- [Check out Dance Data Project's® Data Byte: Global Resident Choreographers 2023](#)
- [Find further resources from Dance Data Project](#)

## HueArts NYC's interactive directory and map spotlights BIPOC-founded and focused arts entities

HueArts NYC—a collaborative project between [Museum Hue](#), [The Laundromat Project](#), and [Hester Street](#)—has developed an interactive online map and directory, focused on giving a platform for BIPOC arts entities.

The 400+ organizations included are nonprofit or for-profit NYC arts entities founded and led by Black, Latinx, Indigenous, Asian, Pacific Islander, Middle Eastern, or other People of Color, whose missions are to provide public-facing arts programming and events. Organizations not included are welcome to add their information.

The resource map allows users to search organizations and find details including a description, borough, discipline, community served, and a website link.

An accompanying brown paper takes a deep dive into BIPOC arts entities and the specific contributions and challenges of these entities. Some findings include:

- a general lack of data on NYC BIPOC arts entities, which creates more barriers for visibility and impact
- BIPOC arts entities are deeply connected to their communities and often relied upon to provide more than just arts programming.
- [Access the HueArts Brown Paper Executive Summary](#)
- [Visit the interactive directory and map](#)



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