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## Labor Not a Commodity

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## LABOR NOT A COMMODITY

*N.Y. CONST. art. I, § 17:*

*Labor of human beings is not a commodity nor an article of commerce and shall never be so considered or construed.*

*No laborer, workman or mechanic, in the employ of a contractor or subcontractor engaged in the performance of any public work, shall be permitted to work more than eight hours in any day or more than five days in any week, except in cases of extraordinary emergency; nor shall he be paid less than the rate of wages prevailing in the same trade or occupation in the locality within the state where such public work is to be situated, erected or used.*

*Employees shall have the right to organize and to bargain collectively through representatives of their own choosing.*

### SUPREME COURT

#### ALBANY COUNTY

Quirk v. Regan<sup>621</sup>  
(decided January 15, 1991)

See case discussion under DUE PROCESS.<sup>622</sup> The court held that the “pay lag” provision of chapter 190<sup>623</sup> violated article 1, section 15 of the New York State Constitution.<sup>624</sup> The court found “[t]o withhold and keep the wages of the working person is repugnant to those rights guaranteed under the State Constitution.”<sup>625</sup>

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621. 565 N.Y.S.2d 422 (Sup. Ct. Albany County 1991).

622. See *supra* notes 174-99 and accompanying text.

623. Act of May 25, 1990, ch. 190, 1990 N.Y. Laws 369, 587 (McKinney).

624. N.Y. CONST. art. I, § 17.

625. *Quirk*, 565 N.Y.S.2d at 425.