

Employment Law Summary

New York Retail Workplace Violence Prevention Law

LIBERTY

New York has enacted the Retail Worker Safety Act (the Act). The Act is aimed at enhancing worker safety and mitigating the risk of workplace violence in retail environments. It requires covered employers to:

- Adopt a workplace violence prevention policy;
- Provide workplace violence prevention training to employees; and
- Provide employees with notice of and training on the policy.

Additionally, the Act requires certain covered employers to install panic buttons at the workplace.

Covered Employers

Covered employers for the policy, training and notice requirements under include any person, entity, business, corporation, partnership, limited liability company or association employing at least 10 retail employees. "Retail employees" are defined as employees working in a retail store, and a "retail store" is defined as a store that sells consumer commodities at retail and is not primarily engaged in the sale of food for consumption on the premises.

Policy Requirements (Effective March 4, 2025)

The Act requires employers with 10 or more retail employees to adopt a workplace violence prevention policy. This policy must be provided to employees upon hire and annually thereafter. To satisfy the requirements of the Act, workplace violence prevention policies must:

- Include a list of factors or situations in the workplace that might place retail employees at risk of workplace violence;
- Provide methods used to prevent workplace violence incidents;
- Include information about the federal and state laws that address violence against retail workers and the remedies available to employees, as well as a statement that there may be applicable local laws; and
- Clearly state that it is unlawful to retaliate against individuals who complain of workplace violence or the presence of factors or situations in the workplace that might place retail employees at risk of workplace violence or who testify or assist in any proceeding under the law.

The Act instructs the New York Department of Labor (NY DOL) to create a model policy and training program that employers can use to satisfy this requirement. If employers choose not to use the model policy, they must develop their own policy that meets or exceeds the minimum policy standards of the Act.

Training Program Requirements (Effective March 4, 2025)

Under the Act, workplace violence trainings must be interactive and include the following:

- Information on the requirements of the Act;
- Examples of measures retail employees can use to protect themselves when faced with workplace violence from customers or other co-workers;

- De-escalation tactics;
- Active shooter drills;
- Emergency procedures;
- Instruction on the use of security alarms, panic buttons and other related emergency devices; and
- A site-specific list of emergency exits and meeting places in case of an emergency.

Employers must utilize the model NY DOL workplace violence prevention training program or establish one of their own that is equivalent to or exceeds the NY DOL training program requirements. This training must be conducted at the time employees are hired and annually thereafter.

Moreover, the NY DOL will include information in its model training program on supervisor conduct; additional responsibilities for supervisors, such as addressing workplace-specific emergency procedures; and training on areas of previous security problems.

Notice Requirements (Effective March 3, 2025)

Employers with 10 or more retail employees must provide employees with notice of the workplace violence prevention policy upon hiring and at every annual workplace prevention training. This notice must be in writing and written in English and any other language that each employee identifies as their primary language. Information to be included in the notice is the employer's workplace violence prevention policy and any information provided during the workplace violence prevention training.

Panic Buttons (Effective Jan. 1, 2027)

Employers with 500 or more retail employees nationwide must provide employees located in New York with access to panic buttons that immediately contact the local 911 public safety answering point to dispatch law enforcement. Employers can satisfy this requirement by installing a panic button that is easily accessible in their workplace.

Alternatively, employers may satisfy this requirement by providing retail employees with wearable or mobile phone-based panic buttons. Mobile phone-based panic buttons may only be installed on employer-provided devices. Wearable and mobile phone-based panic buttons must not be used to track employee locations except when the panic button is triggered.

If mobile phone-based or wearable panic button devices are used, employers must provide each retail employee with one.

Policy Evaluations (Effective Jan. 1, 2027)

Beginning in 2027 and every four years thereafter, the NY DOL will evaluate the impact of the model retail workplace violence prevention guidance document and policy. The NY DOL will update each as needed after the completion of the evaluation. Employers should watch for any changes that might be made during this time. They will have to adopt the new NY DOL policy and training if applicable or change their own policies and training to reflect the NY DOL changes.

Provided By The Liberty Company Insurance Brokers

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