

What Responsibilities Do Employers Have Under New York State's Retail Worker Safety Act?

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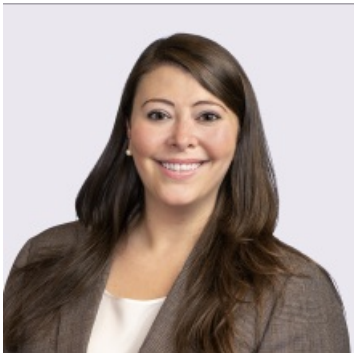
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New York Governor Kathy Hochul signed the [Retail Worker Safety Act](#) (S. 8358B/A. 8947C) into law on Sept. 4, 2024. The Act will require covered retail employers to:

1. Adopt a retail workplace violence prevention policy (effective date of on or about March 3, 2025);
2. Develop and implement training programs to prevent workplace violence (effective date of on or about March 3, 2025); and
3. Install panic buttons at the workplace (effective date of on or about Jan. 1, 2027).

Covered Employers

Covered employers for the policy and training requirements include any person, entity, business, corporation, partnership, limited liability company, or association employing at least 10 retail employees.

Covered employers for the panic button requirements are entities that employ at least 500 retail employees nationwide.

Retail employees are employees working in a retail store. 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 premises.

Violence Prevention Policy

Seeking to ensure retail employees are prepared for workplace violence incidents, the Act requires employers to adopt and disseminate, both at hire and annually, a retail workplace violence prevention policy as part of the mandated training.

The New York State Department of Labor will create and publish a model retail workplace violence prevention guidance document and retail workplace violence prevention policy for each covered employer to use in developing its own policy.

The model policy will list factors that may put retail employees at risk of workplace violence, including, but not limited to:

- Working late night or early morning hours;
- Exchanging money with the public;
- Working alone or in small numbers; and
- Permitting uncontrolled access to the workplace.

The model policy also will:

- Set out methods employers can use to prevent workplace violence, such as establishing and implementing reporting systems for incidents of workplace violence;
- Include information concerning federal, state, and local statutory provisions

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available to victims; and

- Clearly provide that retaliation against individuals who complain of workplace violence, raise situations in the workplace that could put retail employees at risk, or testify or assist in any proceeding under the law is unlawful.

Workplace Training Program

The Act directs the New York State Department of Labor to produce a model workplace training program and requires covered employers to provide such training.

The interactive training program will include, but not be limited to:

- Examples of measures retail employees can use to protect themselves when faced with workplace violence from customers or coworkers;
- De-escalation tactics;
- Active shooter drills;
- Emergency procedures; and
- Instruction on the use of security alarms, panic buttons, and other related emergency devices.

The Act requires the Department's model program to include information addressing conduct by supervisors and any additional responsibilities for supervisors, including ways to address workplace emergency procedures and training on areas of previous security problems. As part of this training, covered employers must communicate to all retail employees a site-specific list of emergency exits and meeting places in case of emergency.

The workplace violence prevention training must be provided to all retail employees upon hire and on an annual basis thereafter. In addition to disseminating the policy, employers must disseminate the training program.

Panic Button

Employers subject to this requirement must provide access to panic buttons throughout the workplace or provide all retail employees with wearable or mobile phone-based panic buttons (if the second option is used, such buttons cannot be used to track employee locations except when the panic button is triggered). The panic buttons must immediately contact the local 911 public safety answering point (PSAP) when pressed. Further, the panic button must provide the PSAP with information pertaining to the employee's location and dispatch local law enforcement to the workplace.

Takeaways for New York Employers

Covered employers should ensure compliance with the Act. The New York Department of Labor will be issuing its model retail workplace violence prevention policy template and model training program. Compliance guidance is also expected. The model retail workplace violence prevention policy and related information will be publicly available and posted on the Department's website.

Please contact the Jackson Lewis attorney with whom you work with any questions about the new law or any other legal issues involving your retail operations.

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